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Chapter 2  
CHAPTER 35 BENEFITS PROVIDED BY VR&E

2.01 Introduction

This chapter describes the benefits offered under 38 United States Code (U.S.C.) Chapter 35 that provide educational assistance to Veterans' dependents, spouses and surviving spouses whose education and opportunity for self-support might be impeded because of the Veteran's service-connected permanent and total disability or death, or the Servicemember's involuntary detainment. This benefit also provides assistance to eligible individuals with a physical or mental health condition to overcome or lessen the effects of the condition and to participate in an educational program, special vocational program or other appropriate goal.

This chapter also describes services the Vocational Rehabilitation and Employment (VR&E) program provides to assist individuals eligible for Chapter 35 benefits. These additional services include educational and vocational counseling, special restorative training and specialized vocational training.

2.02 References and Resources

|                 |   |
|-----------------|---|
| Law:            | 38 U.S.C. Chapter 35  |
| Regulations:    | 38 Code of Federal Regulations (CFR) 21.3300 through 21.3307<br>38 CFR 21.3333<br>38 CFR 21.4105<br>38 CFR 21.4232<br>38 CFR 21.4276  |
| VA Forms (VAF): | VAF 22-5490, Dependents' Application for VA Education Benefits<br>VAF 28-1905d, Special Report of Training<br>VAF 28-1902n, Counseling Record – Narrative Report (Supplemental)<br>VAF 28-8832, Application for Counseling<br>VAF 28-8872, Rehabilitation Plan<br>VAF 4107, Your Right to Appeal Our Decision |

2.03 Overview

a. Basic Eligibility

Eligible individuals under Chapter 35 are Veterans' and Servicemembers' dependents, spouses and surviving spouses who have been found eligible by the Regional Processing Office (RPO) because of one of the following:

- The Veteran's death was caused by the service-connected disability
- The Veteran is rated for total and permanent service-connected disability
- The Servicemember is Missing In Action (MIA)
- The Servicemember is captured in the line of duty
- The Servicemember is forcibly detained for longer than 90 days

b. Roles and Responsibilities

1. Applicant

- Submitting a signed application
- Providing information and supporting evidence needed to establish eligibility and entitlement

2. RPO

- Receiving and processing Chapter 35 applications
- Determining applicant's eligibility for Chapter 35 benefits
- Determining whether remaining entitlement exists
- Creating an electronic Dependent's Educational Assistance (DEA) folder
- Forwarding the counseling request to the VR&E office of jurisdiction if counseling is required, has been requested or the applicant has a disability
- Authorizing Chapter 35 services
- Authorizing payment and entitlement charges

3. Vocational Rehabilitation Counselor (VRC)

- Determining needs and feasibility for Special Restorative Training (SRT), Specialized Vocational Training (SVT), special assistance or educational and vocational counseling
- Consulting with the Vocational Rehabilitation Panel (VRP) or medical specialists at the VA Medical Center (VAMC) to determine the need and feasibility for SRT and SVT
- Providing comprehensive rehabilitation, educational and vocational counseling, evaluation services, plan development, redevelopment and implementation, and case support as needed during the eligible individual's training program

#### 4. Approvals

(a) The VRC must develop and approve the plan of services.

(b) The Director of VR&E Service must give prior approval for the following:

- A plan for SRT exceeding 12 months
- A plan for SVT exceeding 45 months

#### 5. Required Use of the VRP

The VRC must consult with the VRP when determining the need for and feasibility of SRT, SVT or special assistance services. After consulting with the panel and considering the panel's report of its findings and recommendations, the VRC must determine whether the eligible individual with disability(ies) needs a program of SRT, SVT or special assistance and whether this training or special assistance is currently reasonably feasible.

When an eligible child completes or discontinues a program of SRT without having selected an objective and a program of education or other training, the VRC, in consultation with the guardian or parent of the child, must provide additional counseling and planning services to assist the child in selecting a suitable objective and program. The VRC must consider and use the services of the VRP as needed in the planning of a training and education program that is compatible with the functional limitations of the eligible individual and that is adapted to his/her needs and abilities.

#### 6. Evaluation in Special Educational or Rehabilitation Facilities

When it is difficult to evaluate the potential of an eligible person who, because of mental retardation, emotional problems or other reasons, has been unable to function in a regular school setting, the VRC may have to arrange for evaluation in special education or rehabilitation facility to determine whether the individual is able to undertake a program of education, training, SRT or SVT. As in other SRT or SVT cases, the VRC must refer the case through the VR&E Officer to the VRP for its assistance in the evaluation and planning process (38 CFR 21.3300, 21.3301 and 21.4105).

c. Entitlement

1. Months of Entitlement

- (a) An eligible child may receive a maximum of 45 months of DEA or the equivalent in part-time training. Entitlement may not be extended except when a program of SRT exceeding 45 months is authorized for an additional period of time needed to complete the training. See 38 CFR 21.3300 (d) and M22-4, Part 7, Chapter 4.05, Special Restorative Training Award.

Note: If a child qualifies for Chapter 35 benefits based on the service of two parents (i.e., death of both parents in a common accident while on active duty), the child still only qualifies for a total of 45 months. However, if the child claimed both Veterans, he/she would qualify for twice the full-time rate monthly, but the child would be receiving 22 and a half months of entitlement from each parent for a total of 45 months.

- (b) An eligible spouse or a surviving spouse is entitled to 45 months of DEA entitlement or the equivalent in part-time training. Entitlement may not be extended.
- (c) Eligible individuals under Chapter 35 may receive certain secondary level training without charge to entitlement as described below:

(1) High School Training

Benefits are payable at the applicable institutional rate for training in a program to receive a high school diploma or equivalency certificate to eligible Chapter 35 recipients who have not previously received such a diploma or certificate.

(2) Deficiency and Remedial Training

Benefits are payable for training in deficiency and remedial courses which are necessary to qualify for admission to an educational institution or educational program. The institution providing the training must properly certify these courses.

(3) Refresher Training

Benefits are payable to an eligible Chapter 35 recipient for refresher training only at the elementary or secondary level to review or update material previously covered in a course that has been satisfactorily completed. There is no limit on the amount of refresher training an individual may receive as long as the claimant properly establishes the need for such training.

- (d) The total entitlement to educational benefits for those having eligibility under two or more VA education programs may not exceed 48 months.

2. Entitlement Charges

- (a) For institutional training, VA will charge a full day of entitlement for each day paid at the full-time rate. If the claimant enrolls at less than full-time, VA will reduce the entitlement charge proportionately. If the claimant enrolls at less than half time, VA will charge entitlement at one-quarter the full-time rate.
- (b) For apprenticeship and other on-the-job training, VA will charge a full day of entitlement for each day of training, except that if the claimant works fewer than 120 hours per month, both the entitlement charge and the benefits paid will be reduced proportionately.
- (c) For correspondence training, VA will charge one month of entitlement for a benefit amount equal to the monthly rate for full-time institutional training.
- (d) For secondary-level training (including noncredit refresher, deficiency and remedial training), VA will charge no entitlement for the first five months of full-time training. After five months of such training, VA will charge entitlement on the same basis as institutional training.
- (e) For tutorial assistance, there is no entitlement charge.

- (f) For certain overpayment cases in which the debt is written off, VA will charge entitlement.

### 3. Award Processing and Entitlement Computations

For Chapter 35 and SRT award processing and entitlement computations, refer to M22-4, Part 7, Chapter 4, Award Processing and Other Authorization Issues.

See [www.gibill.va.gov/resources/benefits\\_resources/rate\\_tables.html](http://www.gibill.va.gov/resources/benefits_resources/rate_tables.html) for DEA rate tables.

### d. Administering Chapter 35 Benefits

#### 1. Application Processing

The RPO performs the following actions:

- Reviews the application and determines if the applicant is eligible for Chapter 35
- Creates an electronic DEA folder for the applicant
- Forwards the counseling request to the VR&E office of jurisdiction if counseling is required, counseling is requested, or the eligible individual has a disability

#### 2. Counseling and Evaluation

The VR&E Division performs the following steps

- Receives the counseling request from the RPO
- Creates a Counseling/Evaluation/Rehabilitation (CER) folder
- Assigns the case to a VRC, who schedules an appointment for counseling and evaluation with the applicant
- Provides counseling and evaluation, and coordinates referral to the VRP
- If appropriate, develops a plan of services with the eligible applicant and parent or guardian (SRT) and the eligible applicant and the VRP (SVT)

- Approves payment for services
- Supervises and monitors the case for SRT, SVT and special assistance, if appropriate
- Notifies the RPO of the results of required counseling and provides requested documentation

e. Required Documentation

1. VA Form 22-5490

This form serves as an official request for Chapter 35 benefits.

2. VA Form 28-8832

This form serves as an official request for counseling.

3. VA Form 28-1902n and CWINRS Notes

These options are used to document information developed during determination of need and feasibility for SRT or SVT, certification for remedial math and English, counseling for plan development or redevelopment, results of vocational evaluation, and exploration of educational and vocational options.

4. VA Form 28-1905d and CWINRS Notes

These options are used to document information regarding a change in training and provide a narrative format for reporting the content and outcome of case management.

5. VA Form 28-8872

This form outlines the specifics of the eligible individual's plan, including the program goal, timeframe for program completion, objectives, services to be provided, evaluation criteria, evaluation procedure and evaluation schedule.

2.04 Chapter 35 Services Provided Under the VR&E Program

a. Educational and Vocational Counseling

## 1. Purpose and Scope of Services

The purpose of Chapter 35 educational and vocational counseling is to assist an eligible individual to select an educational or employment goal, develop an educational program, select a training facility, and address personal problems that may interfere with training or employment.

Educational and vocational counseling is provided after:

- Eligibility for Chapter 35 has been established by the RPO
- The eligible individual requests services
- The CER folder has been received in the VR&E Division

A VRC or contract counselor may be assigned responsibility for providing Chapter 35 educational and vocational counseling.

## 2. Eligible Participant

This includes any dependent, spouse or surviving spouse who has been determined eligible by the RPO for Chapter 35 who requires counseling, requests counseling, or has a disability.

If a Chapter 35-eligible individual is also eligible for other Veterans Affairs (VA) benefits, the VRC is responsible for informing the eligible individual about the other program(s), or referring the eligible individual to the appropriate VA department for more information.

## 3. Scheduling Educational and Vocational Counseling

A VRC schedules the eligible individual for educational and vocational counseling. This is the only service provided to eligible individuals who do not have a disability.

## 4. Phases for Educational and Vocational Counseling Services

### (a) Vocational Interview

The vocational interview provides individual counseling to obtain and record history and background information. It is completed during the initial appointment.

### (b) Vocational Evaluation

The purpose of the vocational evaluation is to administer interest, aptitude, ability and temperament tests to assist with vocational/educational exploration. It is completed after the initial vocational interview.

(c) Vocational Counseling and Exploration

The purpose of vocational counseling and exploration is to explain test results, explore potential objectives and facilitate development of an education or employment program that includes the potential need for special assistance or training. It is completed after vocational interview and vocational evaluation.

(d) Personal Adjustment and Counseling

Personal adjustment counseling provides brief counseling to address personal problems that may interfere with the program of education or employment goal. It is provided during the vocational counseling and exploration process.

(e) Services

The eligible individual must be provided with services necessary to perform the following actions:

- Select an educational or employment goal
- Develop an educational program
- Select a training facility
- Address personal problems that may interfere with the educational program

(f) Documenting Education and Vocational Counseling

The VRC must document the Chapter 35 educational and vocational counseling in a written narrative for the evaluation and planning on VAF 28-1902n. See Appendix O, VA Forms for information on how to access this form.

b. Special Assistance

### 1. Purpose and Scope of Services

A program of special assistance is provided to assist the eligible Chapter 35 individual even if he/she does not need SRT or SVT. The eligible individual may receive this assistance when the VRC determines the effects of a physical or mental health condition or personal adjustment problems will hinder his/her ability to successfully pursue a program of education.

This program provides up to five months of secondary school, remedial, refresher or preparatory courses without charge to entitlement.

For training, a VRC can only certify the need for remedial courses in basic English and math for enrollment in courses such as basic reading, writing, speaking or essential mathematics.

An educational institution may certify the dependent child's need for remedial courses in basic English and math. The certifying educational institution must be the facility in which the eligible individual attends training or is seeking admission.

### 2. Eligible Participant

This refers to an individual who is eligible for Chapter 35 and who is above the age for compulsory education, has not completed a high school diploma or has been certified to require remedial, refresher or preparatory course(s) to enroll in an educational program.

### 3. Limitations of Chapter 35 Special Assistance

This special assistance is limited solely to secondary school courses for eligible individuals who have not received a secondary school diploma.

### 4. Scheduling Educational and Vocational Counseling

A VRC or contract counselor schedules a participant for educational and vocational counseling. If academic deficiencies are identified, the VRC must explore the need for additional secondary school education, remedial, refresher or deficiency courses to qualify for admission to an appropriate educational institution.

### 5. Services

The VRC must certify and document the need for special assistance and

send the certification to the RPO. The RPO then authorizes the monthly educational assistance at the rates specified in 38 CFR 21.3131, computes the charges against entitlement, and grants up to five months of educational assistance to the eligible individual without charge to entitlement, if the training is certified as necessary special assistance.

#### 6. Documenting Special Assistance

##### (a) Evaluation

The VRC must document the Chapter 35 special assistance by writing the narrative for the evaluation and outcome on VAF 28-1902n.

The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31.

##### (b) Rehabilitation Plan

Plan of services must be outlined on an Individualized Written Rehabilitation Plan (IWRP) on VAF 28-8872.

All documentation must be filed in the individual's CER folder.

#### c. SRT

##### 1. Purpose and Scope of Services

SRT is provided to assist eligible individuals overcome or lessen the effects of a physical or mental health disability and enable attainment of an educational, specialized vocational or other appropriate goal through a comprehensive rehabilitation evaluation, plan development or redevelopment and case management.

Services are provided when the need for SRT services has been established and a plan of services has been developed. A VRC or contract counselor may provide SRT services. An eligible individual may receive a maximum of 45 months of entitlement.

##### 2. Eligible Participants

Eligible participants include a dependent child between the ages of 14 and 31 and a spouse, or surviving spouse, who qualifies for Chapter 35 benefits and may need SRT because of a disability.

### 3. Determining Need for SRT

When a request for Chapter 35 counseling is received and the potential need for special training has been identified, the VRC must perform the following actions:

- Conduct comprehensive rehabilitation counseling to explore the eligible individual's background, history, academic performance, employability, and disability limitations and requirements
- Obtain sufficient information to determine the need for and feasibility of SRT
- Determine what specific services may be needed to overcome or lessen the effects of the disability to pursue and successfully complete an educational or vocational goal. See 38 CFR 21.3104 for additional information.

#### (a) Consultation

To determine the nature and scope of individualized services to be provided under Chapter 35, the VRC may need to arrange an evaluation in a special educational or rehabilitation facility, or consult with Veterans Health Administration (VHA) medical specialists.

The VRC must obtain approval from the individual's parent, guardian or legal custodian prior to referring for a medical examination an eligible individual who is either not of legal age, or whom a court has declared to be incompetent.

#### (b) Referral to the VRP

After the initial evaluation, the VRC must document findings in a referral to the VRP to consider the need for and feasibility of Chapter 35 special training. In turn, the VRP will provide the VRC with a written report of its recommendations about the need for special training or assistance, as well as the types of assistance that should be provided. Following consultation with the VRP, the VRC must make the determination of the need and feasibility of special training. See 38 CFR 21.3040 and 38 CFR 21.3041 for more information on the VRP.

### 4. Services

- (a) If the need for SRT has been established, the VRC must develop and implement a plan of services.
- (b) If the need for SRT is not established, the VRC must notify the applicant of the disallowance of his/her claim.
- (c) The VRC, after consulting with the VRP, may authorize the following courses:
  - Speech and voice correction or retention
  - Language retraining
  - Speech (lip) reading
  - Auditory training
  - Braille reading and writing
  - Training in ambulation
  - One-handed typing
  - Non-dominant hand writing
  - Personal, social and work adjustment training
  - Remedial reading
  - Courses at special schools for those with physical or mental health disabilities
  - Courses provided at facilities which are adapted or modified to meet special needs of students with disabilities

#### 5. Notification of Disallowance

The VRC must inform the eligible individual, or parent, guardian or legal custodian, in writing if special training will not materially improve the eligible person's condition or is not in his/her best interest. The VRC must also inform the eligible individual, or parent, guardian or legal custodian, of due process and appellate rights.

#### 6. Developing and Implementing a SRT Plan of Services

When it is determined that there is a reasonable possibility that a course of SRT services can overcome or lessen the effects of the dependent's disability, the VRC develops an individualized SRT program as part of an Individualized Extended Evaluation Plan (IEEP). This IEEP is comparable to an IEEP developed under Chapter 31. The overall program may be tentative in nature, but the VRC must ensure that the purpose and extent of SRT must be clearly related to the subsequent education or training, as anticipated in carrying out the total educational plan. In certain situations, the total education plan for a severely handicapped eligible person may be SRT followed by a program of SVT.

(a) Plan Development

- (1) Following consultation with the VRP, the VRC must determine the need for and feasibility of SRT. If the eligible individual is found to need SRT, the VRC must develop an individualized written plan comparable to that of an extended evaluation under 38 U.S.C. Chapter 31.
- (2) The VRC, the eligible individual, or parent, guardian or legal custodian, and the VRP should work together to develop the SRT plan.
- (3) An SRT plan should assist the VRC, the eligible individual and the service provider(s) to work together to meet the goals of the SRT program.
- (4) The SRT plan must include the plan's goal, types of services being provided, service providers, responsibilities of the VRC and the eligible individual, program duration, evaluation criteria and evaluation schedule.
- (5) The documentation for a Chapter 35 plan of services must include a specifically defined delimiting date for receipt of benefits. The VRC must refer cases to the Director of VR&E Service for approval if the plan exceeds 12 months.
- (6) The courses for SRT must be related to restoration necessary for enrollment in an educational program, a special vocational program or other appropriate goal as described in the plan of service. See 38 CFR 21.3300 for information regarding SRT courses.

(b) SRT Services

(1) To provide suitable and necessary SRT services, the VRC must assist in coordinating agreements with public or private educational institutions, other appropriate facilities, such as rehabilitation centers, or qualified individuals if no suitable facility is available.

(2) Limitations of an SRT program include the following:

- Eligible individuals must be between 14-31 years old
- Participation in SRT requires completion of counseling and development of an approved plan by VR&E
- SRT does not include medical or psychiatric treatment
- SRT may not exceed 12 months without prior approval by the Director of VR&E Service
- Services may not be provided in a VA facility
- Services may not be authorized solely to enable the individual with a disability to enter and pursue a regular program at a public school
- Training must be pursued on a full-time basis (See 38 CFR 21.3303 for full-time training requirements)

(c) Required Case Management During SRT

The VRC must provide personal, timely and sustained case management to ensure satisfactory progress is maintained and any needed adjustments for training are timely addressed (38 CFR 21.3304). It should include sufficient monitoring to evaluate progress in relation to the goals and objectives of the plan, ongoing assessment of effectiveness of service, identifying and addressing any minor concerns that could interfere with satisfactory progress, referral to VRP to address any major concerns including redeveloping the plan if necessary, and documenting progress and case support activities.

The VRC must provide monthly supervision or case management appointments to eligible individuals.

During case management, the VRC must perform the following actions:

- (1) Coordinate with the corresponding RPO to ensure that appropriate payments are authorized to the eligible individual and training facility.
- (2) Evaluate progress of the eligible individual.
- (3) Assist the eligible individual and the instructor with training and adjustment matters.
- (4) Maintain adequate records of progress, including attendance, personal conduct and diligence in the course.
- (5) Arrange for other needed services to be provided by the VA or other agencies.
- (6) Arrange for and coordinate the provision of employment services by other agencies.

(d) Documenting SRT

(1) Evaluation

VAF 28-1902n should be used to record the Chapter 35 evaluation, planning and case support and to document the development of the plan.

The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31.

(2) Rehabilitation Plan

If the dependent child's program consists exclusively of SRT services, VAF 28-8872 should be used to outline the plan of services for an IEEP.

A copy of the rehabilitation plan and all associated documentation for services must be provided to the corresponding RPO.

(3) Case Management

VAF 28-1905d should be used to document case management and progress.

All forms and documentation must be filed in the CER folder.

(e) Interruption of SRT Services

Continuous training shall be provided for each eligible individual whenever possible. A VRC may interrupt SRT services as necessary under any of the following conditions:

- During scheduled breaks when no instruction is given, such as summer breaks
- During a prolonged period of illness or medical infeasibility
- When the eligible individual voluntarily abandons SRT
- When the eligible individual fails to make satisfactory progress in the SRT course
- When the eligible individual fails to maintain satisfactory conduct in accordance with the rules of the facility, or fails to make progress due to negligence, lack of application or misconduct

The VRC must notify the parent, guardian or legal custodian in writing regarding the interruption with a copy to the eligible individual and the training facility. The notification letter must provide the reason for interruption and a statement that the eligible individual cannot return to SRT without authorization from the VA. Procedures for an adverse action will also be completed under Chapter 31.

(f) Reentrance into SRT Services After Interruption

When an eligible individual's SRT has been interrupted requests continuation of services, the VRC must take the appropriate action as follows:

- (1) Approve reentrance when SRT was interrupted for a scheduled break, such as a summer break, a short period of illness, or other reasons that permit reentrance in the same course as outlined on the SRT plan without corrective action.
- (2) Provide further counseling when SRT was interrupted for failure to maintain satisfactory conduct or progress, or any other reason which requires corrective action, such as a change in training location, course, personal adjustment, etc.

- (3) Approve any necessary adjustments if the conditions that caused interruption can be resolved.
- (4) Coordinate with the parent, guardian, legal custodian or dependent (if of age and competent) and the school for reentrance if further training is approved.
- (5) Determine infeasibility for a vocational training if all efforts failed to result in proper adjustment and there is substantial evidence that additional efforts will be unsuccessful.

(g) Discontinuance of SRT Services

If after consulting with the VRP the VRC determines that further SRT cannot be authorized after the interruption, the eligible individual's case will be placed in Discontinued status. The VRC must execute the following actions:

- (1) Notify the parent, guardian or legal custodian, or the eligible individual (if of age and competent) in writing of the action taken.
- (2) Explain the intent and purpose of the discontinuance, describing the actions taken.
- (3) Provide information about potential rights to other programs of education.
- (4) Provide the eligible individual, or the parent guardian or legal custodian of a notice of the eligible individual's procedural and appellate rights (VAF 4107, Your Right to Appeal our Decision).

The eligible individual is precluded from pursuit of SRT until a VRC determines that the cause of discontinuance has been removed.

(h) Closure and Maintenance of SRT Cases

When an eligible individual completes or discontinues SRT without selecting an objective, the VRC must provide additional counseling to assist in selecting a program of education, SVT, or other appropriate goal, and the VR&E Division must file the CER folder in inactive storage.

The Regional Office may later destroy inactive folders in accordance

with Records Control Schedule (RCS) VB-1, Part I, Item No. 07-620.022.

## 7. Developing Agreements for SRT

### (a) Negotiation of Agreements

Agreements for SRT are prepared by the VRC with public or private educational institutions or other appropriate facilities, such as rehabilitation centers. If no suitable facility is available, agreements may be made with qualified individuals. When there are no established customary charges for the specific training and services to be provided, appropriate charges will be determined by applying the same general criteria used under Chapter 31.

The agreement must specify the following:

- (1) The name and address of the institution or individual furnishing the training.
- (2) The name and address of the guardian or legal custodian of the eligible person.
- (3) The name and claim number of the eligible person.
- (4) A complete, individualized and detailed training program designed to overcome or lessen the effects of the eligible person's disability, which will show the major units of study or work, the hours and schedule allotted to all instructional phases, and the course length.
- (5) A statement that any change in course content or length will be made only as agreed upon between the institution or individual instructor and the VA and authorized by the VA in writing.
- (6) A statement that the institution or individual providing training will maintain records of attendance, conduct and progress and will make these available to the VA as needed to properly supervise the trainee. This will include prompt reporting of the beginning of the course, completion of each discrete phase of the course (e.g., a semester or term) and all interruptions or terminations.
- (7) A statement that a VA representative may visit the place of instruction as necessary to examine the facility and the eligible person's training performance.

- (8) A list of all charges to be made to the parent, guardian, legal custodian, or dependent (if of age and competent) and the services to be provided to the dependent for these charges.
- (9) The basis on which the parent, guardian, legal custodian or dependent (if of age and competent) will make payments.
- (10) A statement that, if the eligible person interrupts or terminates his/her course, he/she may not resume the course without written authority from the VA.
- (11) The method of prorating of charges or the refund arrangement when an eligible person withdraws from the course prior to completion of the term, quarter, semester or other period covered by the agreement.

(b) Signing the Agreement

The agreement must be signed by the following individuals:

- (1) The authorized representative of the institution or the person furnishing the training.
- (2) The parent, guardian, legal custodian, or dependent (if of age and competent) indicating agreement to pay the stated charges for the services provided.
- (3) The authorized representative of the VA to show that the terms of the agreement are in accordance with VA laws and regulations.

Note: The legal guardian or legal custodian may elect to pay the costs for tuition and fees by accelerated payment if the total costs for the monthly special training allowance exceed the rate specified in 38 CFR 21.3333(a). As a result, the eligible individual's entitlement will be reduced accordingly. See Rate Tables published each fiscal year for Accelerated Charge and Entitlement Reduction calculation at [www.gibill.va.gov/resources/benefits\\_resources/rate\\_tables.html](http://www.gibill.va.gov/resources/benefits_resources/rate_tables.html). A separate statement of this election will be signed by the parent, guardian, legal custodian, or dependent (if of age and competent) and made a part of the eligible person's training records.

(c) Distribution of the Agreement

The document must be distributed as follows:

- Original to the institution or individual furnishing instruction
- One copy to the parent, guardian, legal custodian or the dependent if the dependent signed the agreement
- One copy retained in the VR&E Division and made a part of the eligible individual's CER folder

(d) Inducting the Eligible Individual into Training

The VRC prepares a letter in duplicate for the institution or individual providing the SRT. The letter authorizes the entrance of the eligible person into the course and is used in lieu of VAF 28-1905.

The copy is used for endorsement by the institution providing the training to justify payment of the special training allowance based on the enrollment of the eligible individual.

The endorsed copy is returned to the VA. Upon receipt of the endorsed copy, VAF 28-1905 will be prepared to justify payment of the special training allowance based on the eligible person's entrance into training. VAF 28-1905 will be used also to establish new rates of payment of the special training allowance based on course changes.

(e) Length of the Course

Ordinarily, SRT may not exceed 12 months. If it appears that a longer period of time will be needed, refer the case to the Director of VR&E Service for approval prior to granting the additional period requested. An SRT course will be prescribed on a full-time basis as determined in each individual case under 38 CFR 21.3303 (a) through (c).

d. SVT

1. Purpose and Scope of Services

SVT is a training program, which includes specialized vocational training or a combination of specialized vocational training and other courses needed to accommodate an eligible individual with psychological or physical disabilities to achieve a predetermined vocational goal.

2. Eligible Participants

SVT is provided to a Chapter 35 qualified individual who has a psychological, emotional or physical condition; who is at least 14 years old; does not require SRT; and has been determined by a VRC to be in need of SVT to achieve a vocational goal.

The VRC must consult with the VRP in determining the need for SVT.

### 3. Services

A SVT program leading to a vocational objective may be provided after a determination has been made by a VRC that the program is required and feasible. A VRC or VA contract counselor provides a SVT evaluation and case support services.

### 4. Determining Need for SVT

When a request for Chapter 35 counseling is received and the potential need for special training has been identified, the VRC must perform the following actions:

- Conduct comprehensive rehabilitation counseling to explore the eligible individual's background, history, academic performance, employability and disability limitations and requirements
- Obtain sufficient information to determine the need for and feasibility of SVT, and determine the specific services needed to overcome or lessen the effects of the disability to pursue and successfully complete an educational or vocational goal (See 38 CFR 21.3104)

#### (a) Consultation

To determine the nature and scope of individualized services to be provided under Chapter 35, the VRC may need to arrange an evaluation in a special educational or rehabilitation facility, or consult with VHA medical specialists.

The VRC must obtain approval from the eligible individual's parent, guardian or legal custodian prior to referring for a medical examination an eligible individual who is either not of legal age or whom a court has declared to be incompetent.

#### (b) Referral to the VRP

After the initial evaluation, the VRC must document findings in a referral to the VRP to consider the need for and feasibility of Chapter 35 specialized training. In turn, the VRP will provide the VRC with a written report of its recommendations about the need for specialized training or assistance and the types of assistance that should be provided. Following consultation with the VRP, the VRC must make the determination of the need and feasibility of special training. See 38 CFR 21.3040 and 38 CFR 21.3041 for more information on the VRP.

5. SVT Services

- (a) If the need for SVT is established, the VRC must develop and implement a plan of services.
- (b) If the need for SVT is not established, the VRC must notify the applicant of the disallowance of his/her claim.

6. Developing and Implementing SVT Plan of Services

(a) Plan Development

- (1) Following consultation with the VRP, the VRC must determine the need for and feasibility of SVT. If the eligible individual is not found in need of SRT, but in need of SVT, the VRC must develop an individualized written plan comparable to that of a rehabilitation plan under 38 U.S.C. Chapter 31.
- (2) The VRC, the eligible individual, or parent, guardian or legal custodian and the VRP must work together to develop the SVT plan.
- (3) A SVT plan must assist the eligible person, the VRC and the service provider(s) in working together to meet the goals of the SVT program.
- (4) The SVT plan must include the vocational goal, types of services being provided, service providers, responsibilities of the VRC and the eligible individual, program duration, evaluation criteria and evaluation schedule.
- (5) The documentation for Chapter 35 SVT plan of services must include a specifically defined delimiting date for the receipt of benefits. The VRC must refer cases to the Director of VR&E Service for approval of an SVT plan of services exceeding 45 months.

(6) Courses suitable for an SVT program are those needed to accommodate the eligible individual's physical or mental health condition(s). The courses must be part of a program leading to a vocational objective. See CFR 21.4232 for more information on SVT courses.

(b) Required Case Management During SVT

The VRC must provide a personal, timely and continued case management. It should include sufficient monitoring to evaluate progress in relation to the goals and objectives of the plan, ongoing assessment of effectiveness of service, identifying and addressing any minor concerns that could interfere with satisfactory progress, referral to VRP to address any major concerns including redeveloping the plan if necessary and documenting progress and case support activities.

The VRC must coordinate with the corresponding RPO to ensure that appropriate payments are authorized to the eligible individual and training facility.

The frequency of case management activities is determined by the needs of the eligible individual.

(c) Documenting SVT

(1) Evaluation

Use VAF 28-1902n to record the Chapter 35 evaluation, planning and case support, and to document the development of the plan.

The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31.

(2) Rehabilitation Plan

Use VAF 28-8872 to outline the plan of services for an IWRP for a dependent child or spouse.

A copy of the rehabilitation plan and all associated documentation for services must be provided to the corresponding RPO.

(3) Case Management

VAF 28-1905d should be used to document case management and progress.

All forms and documentation must be filed in the CER folder.

(d) Interruption of SVT Services

A VRC may interrupt SVT services as necessary under the following conditions:

- (1) During a prolonged period of illness or medical infeasibility.
- (2) When the eligible individual voluntarily abandons SVT, fails to make satisfactory progress, fails to maintain satisfactory conduct in accordance with the facility's rule, or fails to make progress due to negligence, lack of application or misconduct.

(e) Reentrance into SVT Services After Interruption

When an eligible individual requests reentrance following an interruption of SVT services, the VRC must perform the following actions:

- (1) Approve reentrance when SVT was interrupted for a short period of illness or other reasons that permit reentrance in the same course of SVT without corrective action.
- (2) Provide further counseling when SVT was interrupted for failure to maintain satisfactory conduct or progress, or any other reason that requires corrective action, such as changes in training location, course, personal adjustment, etc.
- (3) Consult with the VRP, if needed.
- (4) Approve any necessary adjustments if the conditions that caused interruption can be overcome, or make a finding of infeasibility if all efforts to effect proper adjustment in the case have failed and there is substantial evidence that additional efforts will be unsuccessful.

(f) Closure and Maintenance of SVT Cases

- (1) When an eligible individual completes SVT, he/she will be able to pursue a vocational objective, will be referred to placement services

as appropriate and VR&E Division will file the CER folder in inactive storage.

- (2) The Regional Office may later destroy inactive folders in accordance with RCS VB-1, Part I, Item No. 07-620.022.

#### 2.05 Training in the Home

When an eligible dependent child is limited to such an extent that he/she is homebound, the VRC must make the arrangements necessary for training to be provided in the home and provide assistance during training, as specified in this chapter. In the case of SVT or other program of education, this in-home training must be arranged with an educational institution. An educational institution or independent instructor may provide SRT in the home.

#### 2.06 Other Program of Education

Special training assistance will be provided to a dependent under 38 CFR 21.4276 when the VRC determines that, although the dependent is not in a program of SRT or SVT, the dependent will require help to successfully pursue a program of education. This assistance will relate to the handicapping effects of either a physical or mental health condition or personal adjustment problems.