### Section A. Notification of Potential Entitlement and School Attendance Policies

#### Overview

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| In this Section | This section contains the following topics: |

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| Topic | Topic Name |
| 1 | System-Generated Notices of Potential Entitlement to Benefits Based on School Attendance  |
| 2 | Policies Regarding School Attendance |
| 3 | Home School Programs |
| 4 | Periods of Enrollment and Entitlement |

#### 1. System-Generated Notices of Potential Entitlement to Benefits Based on School Attendance

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| Introduction | This topic contains information on system-generated notices of potential entitlement to benefits based on school attendance, including* criteria for paying benefits based on school attendance
* ages of children when VA sends notification
* notification at age 13
* notification at age 16
* notification at age 18
* how regional offices (ROs) are alerted that system-generation of a notice failed, and
* RO responsibility when system-generation of a notice fails
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| a. Criteria for Paying Benefits Based on School Attendance | The Department of Veterans Affairs (VA) pays compensation, pension, or Dependency and Indemnity Compensation (DIC) to or for a Veteran’s child that is* between the ages of 18 and 23, and
* in continuous school attendance at a VA-accredited school.

***Reference***: For information on courses of study and school accreditation, see M21-1MR, Part III, Subpart iii, 6.A.2.  |

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| b. Ages of Children When VA Sends Notification | As children to or for whom VA is currently paying benefits reach certain ages, system-generated notices of potential entitlement to benefits based on school attendance are automatically mailed to the child’s payee/parent.If VA is paying* DIC to or for the child, notice is sent to the payee/parent
* 60 days prior to the child’s thirteenth birthday
* at the end of the month the child turns sixteen, and/or
* 60 days prior to the child’s eighteenth birthday, or
* any other benefit to or for the child, notice is sent to the payee/parent 60 days prior to the child’s eighteenth birthday.

***Notes***:* No specific regional office (RO) action is required upon release of the system-generated notices.
* The Benefits Delivery Network (BDN) purges a child’s date of birth from the master record when the child reaches age 18. Therefore, if an RO subsequently awards benefits to or for the same child based on school attendance, the RO must update the DEPENDENCY – 304 screen to reflect the child’s
* date of birth, and
* new status code, which is *2*.

***Reference***: For more information on updating the DEPENDENCY – 304 screen, see [M21-1, Part V, 5.04](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch05.doc). |

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| c. Notification Prior to Age 13  | The system-generated notice automatically sent to the payee/parent of a child, to or for whom VA is paying DIC, prior to the child’s thirteenth birthday, includes* *VA Pamphlet 22-73-3*, *Dependents’ Educational Assistance Program (DEA)*, and
* *VA Form 22-8335, Notification of Possible Entitlement to Dependents' Educational Assistance*.

***Notes***:* The notice
* advises the payee/parent of the educational assistance available, and
* stresses the importance of planning a high school curriculum to prepare the child for a suitable program of higher education or other post-high school training.
* ROs do not receive a file copy of *VA Form 22-8335*.
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| d. Notification at Age 16 | The system-generated notice automatically sent to the payee/parent of a child, to or for whom VA is paying DIC, at the end of the month the child turns sixteen, includes * *VA Pamphlet 22-73-3*
* *VA Form 22-5490*, *Application for Survivors’ and Dependents’ Educational Assistance*, and
* *VA Form 22-8335a, Transmittal Form for Information on Chapter 35 Benefits*.

*VA Form 21-8924, Application of Surviving Spouse or Child for REPS Benefits (Restored Entitlement Program for Survivors)* is also sent to the payee/parent at this time if the individual on whose death the DIC award is based died* on active duty prior to August 13, 1981, or
* as a result of a service-connected disability that was incurred or aggravated prior to August 13, 1981.

***Reference***: For more information about REPS, see M21-1MR, Part IX, Subpart i, 6. |

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| e. Notification Prior to Age 18 | The system-generated notice automatically sent to the payee/parent of a child, to or for whom VA is paying any benefit, prior to the child’s eighteenth birthday, includes two copies of *VA Form 21-674, Request for Approval of School Attendance*. If VA is paying DIC to or for the child (based on either a service-connected death or a non-service connected death under [38 U.S.C. 1318](http://www.law.cornell.edu/uscode/html/uscode38/usc_sec_38_00001318----000-.html)), notice includes* *VA Form 22-5490,* and
* *VA Pamphlet 22-73-3*.

*VA Form 21-8924* is also sent to the payee/parent at this time if the individual on whose death the DIC award is based died* on active duty prior to August 13, 1981, or
* as a result of a service-connected disability that was incurred or aggravated prior to August 13, 1981.

***References***: For more information about REPS, see M21-1MR, Part IX, Subpart i, 6. |

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| f. How ROs Are Alerted That System-Generation of a Notice Failed | Under certain circumstances, system-generation of the notice of potential entitlement to benefits based on school attendance fails. When this occurs, the RO of jurisdiction (ROJ) is alerted in one of two ways:* If the beneficiary is receiving his/her award through BDN, the ROJ will receive *VA Form 20-6560, Notice of Benefit Payment Transaction*, bearing one of the following message codes:
* *699, Child Reaching Age 13 or 16*, or
* *690, Check for Age 18 Benefits*.
* If the beneficiary is receiving his/her award through the Veterans Service Network (VETSNET), an end product (EP) 800-series work item will appear in the RO’s inventory. The message code for this work item is *882G, Age 18 School Letter Not Sent*.

***Note***: VETSNET uses message code *882G, Age 18 School Letter Not Sent*, when system-generation of a notice of potential entitlement to benefits based on school attendance fails, ***regardless*** of which age-specific notice failed to generate. ROs must review the beneficiary’s record to determine which specific notice should have been generated.***References***: For more information about * message codes 699 and 690, and the reasons why system-generation of certain notices fail, see [M21-1, Part V, 19.08](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch19.doc), and

VETSNET work items, see the [*Work Items Desk Reference*](http://vbaw.vba.va.gov/bl/21/systems/docs/WIDR.DOC). |

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| g. ROJ Responsibility When System-Generation of a Notice Fails | As soon as the ROJ learns that system-generation of a notice failed, it must prepare notice locally and send it to the appropriate payee/parent. The table below explains what the ROJ must include in the notice:  |

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| If the notice is for a child age ... | Then the ROJ must include in the notice ... |
| 13 | * the verbiage in [M21-1, Part V, 19.13, Exhibit B](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch19.doc), and
* the attachments referenced in M21-1MR, Part III, Subpart iii, 6.A.1.c.
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| 16 | * the verbiage in [M21-1, Part V, 19.13, Exhibit C](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch19.doc) and (if potential entitlement to REPS exists) [E](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch19.doc), and
* the applicable attachments referenced in M21-1MR, Part III, Subpart iii, 6.A.1.d.
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| 18 | * the verbiage in [M21-1, Part V, 19.13, Exhibit A](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch19.doc) and (if potential entitlement to REPS exists) [E](http://www.benefits.va.gov/warms/docs/admin21/m21_1/part5/ch19.doc), and
* the applicable attachments referenced in M21-1MR, Part III, Subpart iii, 6.A.1.e.
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| ***Note***: If the payee is a corporate fiduciary, fiduciary activity is responsible for handling notification. |

#### 2. Policies Regarding School Attendance

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| Introduction | This topic contains information about VA’s policies regarding school attendance, for the purpose of paying compensation, pension, or DIC, including* VA standards for courses of study
* criteria for paying benefits based on school attendance
* advisory opinions on the validity of a student’s school attendance
* accreditation requirement for domestic schools
* determining the accreditation of a local school
* determining the accreditation of a school in another RO’s jurisdiction
* accreditation requirement for foreign schools
* foreign countries with no accrediting authority
* situations that prohibit payment of benefits
* definition of “wholly supported at the expense of the Federal government,” and
* service academies.
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| a. VA Standards for Courses of Study | To meet VA standards, a course of study must * require attendance of not less than the equivalent of three regular class sessions, daytime or evening, per week, and
* lead to the achievement of a training or educational objective (such as a degree, diploma, or certificate) in a period of time commonly accepted by standard institutions as adequate for that purpose.

***Important***: According to [38 CFR 21.4200(g)](http://www.benefits.va.gov/warms/docs/REGS/38CFR/BOOKG/PART21/s21_4200.doc), one “regular class session” must consist of at least* one 50-minute period of academic instruction
* two 50-minute periods of laboratory instruction, or
* three 50-minute periods of workshop training.

***Example***: A course of study meets the attendance requirement whether it consists of* one hour of academic instruction three times a week, or
* three hours of academic instruction once a week.

***Notes***:* Authority to approve an award based on school attendance includes authority for approving the corresponding course of study.
* Courses of study taught under home school programs for grades kindergarten through 12 meet VA standards as long as the home school is an approved educational institution.

***Reference***: For more information on home schools as approved educational institutions, see M21-1MR, Part III, Subpart iii, 6.A.3.a. |

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| b. Criteria for Paying Benefits Based on School Attendance | VA may pay benefits to or for a student who is attending school, provided the student’s* course of study meets the standards in M21-1MR, Part III, Subpart iii, 6.A.2.a, and
* school meets the accreditation requirements in
* M21-1MR, Part III, Subpart iii, 6.A.2.e (domestic schools)
* M21-1MR, Part III, Subpart iii, 6.A.2.i (foreign schools), or
* M21-1MR, Part III, Subpart iii, 6.A.3 (home-school programs).

***Note***: Any course of study offered by a VA-accredited school meets VA’s standards for courses of study. |

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| c. Advisory Opinions on the Validity of a Student’s School Attendance | Submit a request to Compensation Service (211B) for an advisory opinion on the validity of a student’s “school attendance” if* the criteria under M21-1MR, Part III, Subpart iii, 6.A.2.b are not met, but
* the course of study is otherwise meritorious and appears to be directed toward the achievement of a definite educational objective.

***Exception***: Do *not* request an opinion when the course of study clearly does not meet the attendance requirements in M21-1MR, Part III, Subpart iii, 6.A.2.a. |

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| d. Accreditation Requirement for Domestic Schools | A domestic school is accredited for VA purposes if the school is recognized as standard and accredited by* the authority established within the State for determining educational standards
* an institution or State authority recognized by VA to be equally as competent to determine such standards as the State authority, or
* the ROJ over the geographical area within which the school is located.
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| e. Determining the Accreditation of a Local School | Use the following resources, in the order listed, to determine the accreditation of a local school for VA purposes:* lists that each RO maintains of the accredited schools located within its jurisdiction
* Web-Enabled Approval Management System (WEAMS), and
* other sources, such as
* a recent issue of the U.S. Department of Education’s *Education Directory, Part 3, Higher Education*
* the *Official Directory* published by the Accrediting Commission for Business Schools, and
* State authorities or other institutions that VA recognizes as competent to determine whether a school meets educational standards for accreditation.

***Note***: Because access to WEAMS is limited, it may be necessary to ask an Education Service employee to search this system for accreditation information.***Reference***: For information on using WEAMS, see the [*WEAMS Application User Guide*](http://vbaw.vba.va.gov/bl/22/ref/guides/WEAMS/WEAMS%20User%20Guide.htm). |

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| f. Determining the Accreditation of a School in Another RO’s Jurisdiction  | Use WEAMS to determine accreditation of a school in another RO’s jurisdiction. As an alternative, contact the other RO by e-mail or telephone to request information required to determine whether the school is accredited.***Important***: When contacting the other RO, indicate the information is being requested to determine entitlement to compensation, pension, or DIC (whichever is applicable) based on school attendance.***Rationale***: The standards for courses of study under the compensation, pension, and DIC programs are less stringent than those for education assistance under * [38 U.S.C. Chapter 30](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_30.html)
* [38 U.S.C. Chapter 31](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_31.html)
* [38 U.S.C. Chapter 33](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_33.html), and
* [38 U.S.C. Chapter 35](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_35.html).

***Note***: Because access to WEAMS is limited, it may be necessary to ask an Education Service employee to search this system for accreditation information. |

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| g. Accreditation Requirement for Foreign Schools | A foreign school is accredited for VA purposes if the school is recognized as standard and accredited for the student’s specific course of study by the authority established within the country for determining educational standards, such as* the Minister of Education
* the Minister of Cultural Affairs, or
* an institution VA recognizes as an authority in determining whether a foreign school is accredited for the purpose of determining entitlement to educational assistance under
* [38 U.S.C. Chapter 30](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_30.html)
* [38 U.S.C. Chapter 31](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_31.html)
* [38 U.S.C. Chapter 33](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_33.html), and
* [38 U.S.C. Chapter 35](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_III_20_35.html).
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| h. Foreign Countries With No Accrediting Authority  | If no recognized accrediting authority exists for a specific foreign school, the American Consular Officer is authorized to consult with any recognized institution of higher learning for professional advice concerning the acceptability of the school.Under these circumstances, the determination as to accreditation for VA purposes is made as follows:* In the Philippines, the Manila RO Education Liaison Representative makes the determination.
* When a beneficiary submits *VA Form 21-674* through the local United States embassy or consulate in a foreign country other than the Philippines, the American Consular Officer makes the determination as the approving official.
* In all other cases, the Veterans Service Center Manager of the Pittsburgh RO (311), who maintains information concerning the accreditation status of foreign schools, makes the determination.

***Note***: Use e-mail to request an institution’s accreditation status when circumstances warrant expedited action. |

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| i. Situations That Prohibit Payment of Benefits | VA may *not* pay compensation, pension, or DIC to or for a child who is pursuing a course at a federally supported school when the child is wholly supported at the expense of the Federal government. |

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| j. Definition: “Wholly Supported at the Expense of the Federal Government” | “Wholly supported at the expense of the Federal government” means the government pays for the student’s* tuition
* housing
* meals
* suitable clothing
* medical attention
* books
* supplies, and
* other necessities.

***Examples***:* service academies, and
* Native American schools wholly supported by the Federal government, where there is no charge to the student for tuition or maintenance.
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| k. Service Academies | There are five U.S. Service Academies:* The United States Military Academy (USMA) in West Point, New York
* The United States Naval Academy (USNA) in Annapolis, Maryland
* The United States Coast Guard Academy (USCGA) in New London Connecticut,
* The United States Merchant Marine Academy (USMMA) in Kings Point New York, and
* The United States Air Force Academy (USAFA) in Colorado Springs, Colorado.
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#### 3. Home School Programs

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| Introduction | This topic contains information about home school programs, including* home schools as educational institutions, and
* evidence that establishes a home school as an educational institution.
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| a. Home Schools as Educational Institutions  | A home school is considered an educational institution if the school operates in compliance with the compulsory laws of the State in which the school is located.***Notes***: * VA does not grant educational institution status to home schools beyond grade 12.
* If a home school is considered an educational institution, the courses of study it provides are also approved.

***References***: For more information on home schools as educational institutions, see* [*Theiss v. Principi*](http://vbaw.vba.va.gov/bl/21/advisory/CAVCDAD.htm#bmt), 18 Vet.App. 204 (2004), and
* [38 CFR 3.57(a)(iii)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_57.doc).
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| b. Evidence That Establishes a Home School as an Educational Institution | In order for VA to recognize a home school as an educational institution, the claimant must provide documentation verifying the * home school is approved by the State authority that determines educational standards, or
* student is registered and in good standing as a home-schooled student with
* the local school district, or
* another institution, organization, or entity (such as a non-traditional private school) that is registered with or recognized by the State in which the home school is located.

***Note***: As an alternative to requesting documentation from the claimant, it is permissible to contact the local school district by telephone or email to obtain oral or written verification from an appropriate local school official that the student is registered and in good standing as a home-schooled student.  |

#### 4. Periods of Enrollment and Entitlement

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| Introduction | This topic contains information on periods of entitlement to benefits based on school attendance, including* children who turn 18 while attending school
* continuity of school attendance during breaks
* children who turn 18 during a school break, and
* continued entitlement during a summer session.
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| a. Children Who Turn 18 While Attending School | To continue paying benefits to or for a child who turns 18 during a school session, VA must receive a completed *VA Form 21-674* within one year of the child’s 18th birthday, showing the child was attending school on that date.***Note***: A beneficiary may provide the information *VA Form 21-674* requests by telephone, fax, or e-mail, in lieu of submitting the actual form. |

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| b. Continuity of School Attendance During Breaks  | Continuity of school attendance is *not* broken by holidays, vacation periods, or periods between terms, semesters, or quarters when attendance is not normally required. |

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| c. Children Who Turn 18 During a School Break | Do not develop for continuity of attendance if* a child turns age 18 during a normal school break, such as those described in M21-1MR, Part III, Subpart iii, 6.A.4.c, and
* *VA Form 21-674* is received showing the child resumed/commenced a course of study at the end of the break.

Continuous attendance is affirmed if *VA Form 21-674* shows * prior attendance
* at the same or another school, and/or
* in the same or a different course, and/or
* the course terminated immediately prior to the break.

If *VA Form 21-674* is received *prior* to resumption/commencement of a course of study at the end of a break, follow the instructions in M21-1MR, Part III, Subpart iii, 6.B.9.b.***Notes***:* Completion of *VA Form 21-674b* for the prior period of school attendance is *not* required.
* A beneficiary may provide the information *VA Form 21-674* requests by telephone, fax, or e-mail, in lieu of submitting the actual form.

***References***: For more information on* confirming entitlement to benefits following a change in schools, see M21-1MR, Part III, Subpart iii, 6.B.8.h, and
* determining entitlement to benefits during a break in school sessions, see [38 CFR 3.667(c)](http://www.benefits.va.gov/WARMS/docs/regs/38cfr/bookb/part3/S3_667.doc).
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| d. Continued Entitlement During a Summer Session | Entitlement to benefits as or for a school child continues during a summer session of school, regardless of whether or not the child attends classes during the summer session, as long as the session does not extend beyond a period of time commonly accepted as standard.***Note***: This policy applies even if* the school operates on a trimester basis, and
* enrollment is deferred for the summer trimester, with entrance in the next regular school session.
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