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FACILITIES

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## Chapter 2 FACILITIES

### 2.01 Introduction

Facilities are used by the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program to provide services to Veterans as part of a rehabilitation plan. This chapter provides guidance and procedures on the approval of a program and the assignment of a facility code.

### 2.02 References and Resources

Law:	Age Discrimination Act of 1975 Civil Rights Act of 1964 Education Amendments of 1972 Rehabilitation Act of 1973
Regulations:	38 Code of Federal Regulations (CFR) 21.35 38 CFR 21.262 38 CFR 21.290 through 21.299 38 CFR 21.4201 VA Acquisition Regulation (VAAR)
Resource:	M22-4, Part IX, Change 5, Chapter 9, Paragraph 15
VA Forms (VAF):	VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws VAF 22-8794, Designation of Certifying Official(s) VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status VAF 28-1905d, Special Report of Training Corporate WINRS FMS Vendorizing Sheet
Website:	<a href="http://www.benefits.va.gov/gibill/resources/education_resources/school_certifying_officials/elr.asp">http://www.benefits.va.gov/gibill/resources/education_resources/school_certifying_officials/elr.asp</a>

### 2.03 General Information

A facility is an educational institution, training establishment, or rehabilitation facility that provides an approved program of education or training and is defined as follows:

#### a. Educational Institution

38 CFR 21.35 (k) (3) defines an educational institution as a public or private

elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, scientific, or technical institution furnishing education to adults.

b. Training Establishment

38 CFR 21.35 (k) (4) defines a training establishment as any establishment providing apprentice or other training on the job, to include those under the supervision of a college or university; state department of education; state apprenticeship agency; state board of vocational education; joint apprenticeship committee; the Bureau of Apprenticeship and Training established in accordance with the Apprenticeship Act; or any agency of the Federal Government authorized to supervise such training. This definition includes Non-paid Work Experience (NPWE) and On-the-Job Training (OJT) sites.

c. Rehabilitation Facility

38 CFR 21.35 (k) (5) defines a rehabilitation facility as a distinct organizational entity, either separate or within a larger institution or agency, that provides goal-oriented comprehensive and coordinated services to individuals designed to evaluate and minimize the effects of physical, mental, social and vocational disadvantages, and to effect a realization of the individual's potential.

2.04 Facility Requirements

a. Program and Facility Approval

A facility that provides services to Veterans participating in the VR&E Program must be formally approved. If a facility has not been approved or assigned a valid facility code, VR&E case managers must establish that the facility complies with the course and facility approval provisions outlined under 38 CFR 21.290 through 21.299 by completing a site survey report (refer to section 2.07 of this chapter for further guidance).

b. Equal Opportunity Assurance

A facility must comply with equal opportunity requirements and sign VAF 20-8206. By signing this form, the facility agrees to comply with Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and all Federal regulations adopted to carry out these laws. This assurance is binding for the period that the facility provides services to the Veteran.

c. Assignment of Facility Code

A facility code is required when entering subsistence allowance in the Benefits Delivery Network (BDN) and when entering payment in Corporate WINRS (CWINRS). A facility must be assigned a valid facility code to ensure that data integrity and internal controls are appropriately maintained. A facility code entered in BDN or CWINRS must be consistent with the facility code entered in the WEAMS, which is the central application used to store facility information. Only an ELR is authorized to assign a facility code. VAF 28-1905 (See Appendix O, VA Forms) must not be sent unless the program has been approved and the facility has been assigned a valid facility code. Refer to M28R.V.A.3 for further guidance on using VAF 28-1905 for authorization of training.

d. Designation of Certifying Official

A facility must designate a certifying official by completing VAF 22-8794 (See Appendix O, VA Forms). The certifying official is responsible for certifying the enrollment and any changes in the enrollment of a Veteran participating in the VR&E Program.

2.05 Facility Payments

a. VA Acquisition Regulation (VAAR)

In accordance with 38 CFR 21.262, whenever services, supplies and facilities from sources outside VA are required, they must be provided through contract, agreement or other cooperative arrangement between VA and the vendor, and payments to facilities are subject to the provisions of applicable VA Acquisition Regulation, especially VAAR 831.70 and VAAR 871.2. VR&E staff must consider these regulations to determine if a contract is required before using the services of a facility. It is important to note that since a NPWE or OJT site does not receive payment for services, this regulation does not apply.

1. VAAR 871.201-1

If a facility does not have a catalog or published fee schedule, and meets the requirements of VAAR 871.201-1, a contract, agreement, or other cooperative arrangement must be in place before requesting a facility code. After the program has been approved and the contract has been negotiated, VR&E staff should follow the guidance on assignment of a facility code outlined in this chapter. VA negotiates contracts when the following services are provided:

(a) Correspondence Courses

Courses of instruction by correspondence are conducted by mail and consist of regular lessons or reading assignments; the preparation of required written work that involves the application of principles studied in each lesson; the correction of assigned work with suggestions or recommendations necessary for instruction; the keeping of student achievement records; and the issuance of a diploma, certificate, or other evidence that the student completed the requirements of the course. In this situation, the assistance of a Contracting Officer may be necessary.

(b) Special Services or Courses

Special services or courses requested by VA are over and above those customarily provided for similarly circumstanced non-Veterans and have been deemed necessary for the rehabilitation of the Veteran. VAAR 831.7001-2 states that VA will negotiate the costs of special services or courses before paying them. In this situation, the assistance of a Contracting Officer may be necessary.

2. VAAR 871.201-2

If the facility has a catalog or published fee schedule and meets the requirements of VAAR 871.201-2, a contract is not required. The regulation states that the VR&E Officer must obtain a signed statement of charges from the facility, including the rate of tuition, fees and separate charges, if any, for books, supplies, handling charges, refund policy and other provisions that are required to determine proper payment. The statement of charges may be in the form of a statement on VAF 28-1905 and state that charges will be in accordance with the facility's catalog or another identified published document. The statement of charges may not exceed those charges non-Veterans pay or that are published in the school catalog or other published document. Most charges can be verified by accessing the catalog or other published document on the facility's website. After the program has been approved VR&E staff should refer to section 2.07.c of this chapter and follow the guidance on obtaining a facility code.

b. Vendorization

Facilities must be vendorized, or set up in the Financial Management System (FMS) in Austin, Texas to receive payments for services. The Corporate WINRS FMS Vendorizing Sheet (See Appendix O, VA Forms) is used for this purpose. VR&E staff should refer to M28R.V.B.3 for further guidance on

vendorizing.

## 2.06 Roles and Responsibilities

### a. Vocational Rehabilitation and Employment (VR&E) Staff

#### 1. VR&E Case Manager

The VR&E case manager must ensure that a program has been approved and that the facility offering the approved program is assigned a valid facility code prior to authorizing a Veteran's attendance. This should be taken into consideration before developing a rehabilitation plan with a Veteran so that there is no confusion if a program cannot be approved or assigned a facility code. The case manager will determine if a program meets approval requirements when a facility code has not been assigned by following the procedures outlined in this chapter.

#### 2. Corporate WINRS (CWINRS) Administrator

The CWINRS Administrator will establish facility codes in CWINRS and update all reported changes to facility codes in BDN and CWINRS to ensure that they are valid. The procedures for establishing facility providers in CWINRS are located in the CWINRS User Guide, Chapter 8.4. The CWINRS Administrator will submit appropriate forms to both the ELR and the Facility Vendorizing Unit in Austin, Texas, and will keep electronic and hard copies of all required documentation to be accessed by the VR&E Officer and the Systematic Technical Accuracy Review (STAR) team.

The CWINRS Administrator should have a good working relationship with the ELR assigned to their station. He/she should check with the ELR first if there is a question about whether a facility has been approved or if a facility code has been assigned. A list of ELRs by state can be found by accessing the following link:

[http://www.benefits.va.gov/gibill/resources/education\\_resources/school\\_certifying\\_officials/elr.asp](http://www.benefits.va.gov/gibill/resources/education_resources/school_certifying_officials/elr.asp).

#### 3. VR&E Officer

The VR&E Officer must give the final program approval before submitting the required forms to the ELR for assignment of a facility code.

### b. Education Liaison Representative (ELR)

The ELR assigns facility codes and maintains WEAMS records for programs approved for the VR&E Program. The approval folders must be maintained

for seven years before destroying the documents. Only the ELR has the authority to assign and update information in WEAMS. Regional Office employees, such as VR&E staff, Veterans Service Center staff and Finance staff, are provided only inquiry access within the system.

The ELR also works with the State Approving Agency (SAA) responsible for approving a program for Veterans using GI Bill benefits. Programs approved by VR&E staff for Veterans participating in the VR&E Program only do not need to be approved by the SAA.

NOTE: The SAA or Education Compliance Survey Specialist conducts annual compliance surveys at institutions with 300 plus VA certified VA beneficiaries and verifies that certifications do not exceed the 85 percent enrollment restriction (38 CFR 21.4201). Chapter 31 is excluded from this requirement (see M22-4, Part IX, Change 5, Chapter 9, Paragraph 15).

## 2.07 Procedures

### a. Determine if the Facility Code is Valid

The case manager must investigate whether a facility is approved and has a valid facility code prior to developing a plan of services with a Veteran. To determine if an existing facility code is correct, the case manager should do the following:

- Access the Veteran's CWINRS View Folders screen.
- Click on Admin on the toolbar.
- Click on Facilities from the drop-down menu.
- Highlight and double-click the appropriate facility.
- The facility code will be displayed on the View Facility Service Provider screen.
- The case manager will check whether the facility code displayed on the screen is correct by clicking on the WEAMS button in the middle of the page.

#### 1. Facility Code in CWINRS Does Not Match Facility Code in the Web Enabled Approval Management System (WEAMS)

If the facility code displayed on the View Facility Service Provider screen does not match the facility code in WEAMS, the case manager must request that the CWINRS Administrator verify the correct facility code

with the ELR and make the correction in CWINRS.

2. No Facility Code in WEAMS

If there is no facility code in WEAMS, the case manager must request that the CWINRS Administrator verify with the ELR whether the facility has been debarred or suspended. The case manager must not authorize training or services at a facility that is suspended or debarred.

3. Program Debarred or Suspended

If it is determined the program is debarred or suspended, the case manager must work with the Veteran to identify another program that has been approved and has a valid facility code to meet the objectives of his/her plan.

b. Program Approval

If the ELR indicates that the facility has not been assigned a facility code, the case manager must complete the following steps before requesting assignment of a facility code:

1. If applicable, review existing school catalogs, brochures, statements of charges, course outlines and other agency approvals (i.e. state vocational rehabilitation agencies, state approving agencies or nationally recognized accrediting associations) to determine the general suitability of courses and whether the catalog or other published documents meet the requirements of VAAR 871.201-2, Requirements when Contracts are not Required.
2. Visit the facility and conduct a site survey to determine if the site meets the requirements of 38 CFR 21.290 through 21.299 for course/program approval. The results of this visit must be documented on VAF 28-1905d (See Appendix O, VA Forms). The site survey report must address and reference all of the issues outlined in 38 CFR 21.290 through 21.299, and it must also address the following:
  - Adequacy of equipment, tools, educational resource materials and ADA compliance.
  - Whether the program/course appears to be generally suitable, if additional information is needed and whether the facility has or has not been previously used by VR&E.
  - Whether the program/course or facility will meet the goal or objective of the Veteran.

- Adequacy of recordkeeping and progress reporting.
- Whether the facility will cooperate by providing accurate and timely information on attendance, courses and progress.

The completed site survey report must be forwarded to the VR&E Officer for approval.

3. Obtain a signed statement of charges, if applicable, from the facility. Refer to section 2.05 of this chapter for further guidance.
  4. Have the facility complete, sign and return the following forms (See Appendix O, VA Forms):
    - VAF 22-8794, Designation of Certifying Official(s)
    - Corporate WINRS FMS Vendorizing Sheet (not required for NPWE or OJT)
    - VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws
  5. Obtain the VR&E Officer's approval of the program prior to submitting the request for assignment of a facility code to the ELR. The VR&E Officer will sign the site visit report if he/she concurs with the decision to approve the program/facility or request more information.
  6. Submit all documents and forms to the CWINRS Administrator.
- c. Obtain a Facility Code

Once the steps above are complete, the CWINRS Administrator must complete the following steps in order to obtain a facility code from the ELR, establish the facility code in CWINRS and vendorize the facility for payment purposes:

1. Send VAF 22-8794 to the local ELR for assignment of a facility code. The ELR will store hard copies of the form for 7 years in an approval file before destroying the documents.
2. Send Corporate WINRS FMS Vendorizing Sheet to the Facility Vendorizing Unit in Austin, Texas, if applicable.
3. After the CWINRS Administrator has confirmed that the facility has been assigned both a facility code and vendorization number, he/she will update CWINRS with the following information, if applicable:

- Facility code
- Tax ID number
- Facility Address
- Point of Contact (POC) and information about the types of training offered by the facility

The CWINRS Administrator must scan the facility's completed documents and forms and keep a copy in a separate electronic or hard copy folder to be accessed by the VR&E Officer and the STAR team.

d. Suspend a Facility

The case manager may request the suspension of a facility code for use by Veterans participating in the VR&E Program only. Prior to requesting the ELR to suspend the facility code the case manager will do the following:

1. Visit of the facility and complete a site survey report on VAF 1905d.
2. Document all deficiencies noted at the facility. Examples of deficiencies can include the lack of facility cooperation in providing timely and accurate information, courses and progress, or the loss of accreditation.
3. Request that the VR&E Officer review and concur on the documentation regarding the facility's deficiencies.
4. Submit deficiency documentation paperwork to the CWINRS Administrator to suspend the facility or specific program within the facility.

The CWINRS Administrator will keep a copy of this documentation in an electronic folder accessible to the VR&E Officer and will submit original documentation to the ELR with a request to suspend use for Veterans participating in the VR&E Program only. Further guidance on how to add, edit or view facility service provider information is found in the CWINRS User Guide, Chapter 8.4.2.