

Chapter 2

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Chapter 2
FACILITIES AND PROGRAMS OF TRAINING OR COURSES

2.01. Introduction
(Change Date November 7, 2013)

Facilities are used by the Department of Veterans Affairs (VA) Vocational Rehabilitation and Employment (VR&E) Program to provide training services to Veterans as part of a rehabilitation plan. Programs of training or courses are approved on an individual basis. This chapter provides guidance and procedures for requesting approval of a program of training or course and assignment of a facility code.

2.02. References and Resources
(Change Date September 7, 2018)

Laws: Age Discrimination Act of 1975
 Civil Rights Act of 1964
 Education Amendments of 1972
 Rehabilitation Act of 1973

Regulations Title 38 of the Code of Federal Regulations (CFR) 21.35
 38 CFR 21.262
 38 CFR 21.290 through 21.299
 38 CFR 21.4201
 38 CFR 21.4210-21.4216
 38 CFR 21.4259
 VA Acquisition Regulation (VAAR) 831.7001-1
 VAAR 871.201-1
 VAAR 871.201-2

VA Forms (VAF): VAF 10091, VA-FSC Vendor File Request Form
 VAF 20-8206, Statement of Assurance of Compliance with
 Equal Opportunity Laws
 VAF 22-1934, Compliance Survey Report
 VAF 22-8794, Designation of Certifying Official(s)
 VAF 28-1905, Authorization and Certification of Entrance or
 Reentrance into Rehabilitation and Certification of Status

Website: www.benefits.va.gov/gibill/resources/education_resources/
 school_certifying_officials/elr.asp

2.03. Definition of Terms

- a. Chapter 31 Only Program of Training or Courses
(Change Date September 7, 2018)

A program of training or courses that are approved for Chapter 31 participants only. The program of training or courses are a combination of subjects or unit courses at an education institution, apprenticeship, on-the-job training, or any unit course, subject, or combination of courses that the Administrator of the Small Business Administration requires to obtain financial assistance under 15 U.S.C. 636, or approved licenses or certification tests.

- b. VA Certifying Official
(Change Date September 7, 2018)

The VA Certifying Official is a school staff member who has been designated to sign VA enrollment certifications for Servicemembers, Veterans, or other beneficiaries pursuing a VA educational program including the Chapter 31 program.

- c. Education Liaison Representative (ELR)
(Change Date September 7, 2018)

An ELR provides support for all VA education programs including establishing facility codes for approved training facilities. The list of ELRs arranged by state may be accessed at www.benefits.va.gov/gibill/resources/education_resources/school_certifying_officials/elr.asp. The link may only be accessed by VR&E staff and school certifying officials.

- d. Facility
(Change Date September 7, 2018)

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

1. Educational Institution
(Change Date November 7, 2013)

An educational institution is defined by 38 CFR 21.35(k)(3) 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.

2. Training Establishment
(Change Date November 7, 2013)

A training establishment is defined by 38 CFR 21.35(k)(4) 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.

3. Rehabilitation Facility
(Change Date November 7, 2013)

A rehabilitation facility is defined by 38 CFR 21.35(k)(5) 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 affect a realization of the individual's potential.

e. Facility Code
(Change Date September 7, 2018)

A facility code is an eight-character code that identifies facilities approved for payment of education or training under all VA educational benefits including the Chapter 31 program. The facility codes are entered in the Web Enabled Approval Management System (WEAMS) and are assigned as follows:

- A facility that has multiple approved programs of training or courses is assigned only one facility code. An annotation is made in WEAMS when newly approved programs of training or courses have been added in an already approved facility.
- A facility that has other establishments located in different states is assigned different facility codes for each approved facility located in other states.
- A facility that has other establishments within the same state is assigned different facility codes for each approved facility located within the state.

- f. State Approving Agencies (SAA)
(Change Date September 7, 2018)

SAA's are responsible for approving programs offered by schools and job training establishments located within the boundaries of their state. The Commonwealth of Puerto Rico and the District of Columbia are considered "states" for approval purposes only.

- g. Web Enabled Approval Management System (WEAMS)
(Change Date September 7, 2018)

WEAMS is a VA database that is used to locate colleges and universities, vocational institutions, flight schools, and other educational facilities with programs of training or courses that are approved for VA educational benefits.

WEAMS may be accessed by the following:

- Public at the va.gov website with view only.
- Regional Office (RO) employees, such as VR&E, Veterans Service Center, and Finance staff members, who are restricted to queries only.
- ELRs with administrative permissions.

2.04. Approval of Facilities and Programs of Training or Courses

- a. Chapter 31 Only Programs of Training or Courses
(Change Date September 7, 2018)

There are instances when approval is necessary for use by Chapter 31 participants only. Approval for Chapter 31 only programs of training or courses is critical to provide individualized vocational rehabilitation services to Chapter 31 participants with special and complex needs. An example is when a Veteran requires a specialized, non-college degree training, a vocational goal has been selected, and an appropriate training facility located near the Veteran's residence has been identified. However, the facility is not approved for use by Chapter 30 or Chapter 33.

The Director of VR&E Service grants approval of Veterans education program pursued by Veterans under Chapter 31 of title 38 U.S.C. and Public Law 96-342, Section 901. In addition, the Director of VR&E Service also grants approval of programs of training or courses for Special Restorative Training (SRT) and Specialized Vocational Training (SVT) under the Chapter 35 program.

- b. VA Educational Programs (Chapters 30, 32, 33, and 35)
(Change Date September 7, 2018)

The State Approving Agencies (SAA) are responsible for the approval of programs of education or training on behalf of VA. All programs of education and training pursued by Veterans, reservists, and eligible individuals participating under Chapters 30, 32, and 35 of title 38, U.S.C. and Chapter 1606 of title 10, U.S.C. However, majority of the facilities utilized for the Chapter 31 program are already approved under the Chapter 30 and Chapter 33.

- c. Apprenticeship, Non-Paid Work Experience, and On-the-Job Training Programs
(Change Date September 7, 2018)

The VR&E Officer approves apprenticeship, Non-Paid Work Experience, and On-the-Job Training Programs for Chapter 31 participants.

NOTE: Procedures for approval of any of this program must follow the same procedures outlined in section 2.08 of this chapter. However, approval is only at the VREO's level.

- d. Institutions of Higher Learning and Non-College Degree Programs in the Philippines
(Change Date September 7, 2018)

The Director of the Manila RO is responsible for approving programs offered by Institutions of Higher Learning and non-college degree schools in the Philippines. However, SAAs are responsible for approving college-level programs, including associate degrees or higher programs, offered by foreign schools or extensions of U.S. colleges and universities.

2.05. Requirements for Facility and Training Program or Course Approval

- a. Approval of Programs of Training or Courses offered at a Facility
(Change Date September 7, 2018)

The Vocational Rehabilitation Counselor (VRC) must establish that the facility complies with the course and facility approval under the provisions outlined in 38 CFR 21.290 through 21.299 by completing a site survey report for each training or course. (Refer to section 2.07 of this chapter for further guidance).

b. Equal Opportunity Assurance
(Change Date November 7, 2013)

A facility must comply with equal opportunity requirements. VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws, must be completed and signed. 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 implement these laws. This assurance is binding for the period that the facility is approved to provide services to the Veteran.

c. Assignment of a Facility Code
(Change Date September 7, 2018)

After the program of training or course is approved by the Director of VR&E Service, the VR&E staff must send a request for assignment of facility code to the ELR. Refer to Appendix CR, Request for Assignment of a Facility Code. A facility code is required to record payment in Corporate WINRS (CWINRS) to ensure that payments are authorized to the appropriate facilities. A facility code entered in CWINRS must be consistent with the facility code established in WEAMS. VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status, must not be sent to any facility unless the program of training or course 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. Access to the Web Enabled Approval Management System
(Change Date September 7, 2018)

VR&E staff must complete VAF 20-8824e, Common Security Services Access Request Form, to request access to WEAMS. The request must be submitted to their local Information Security Officer (ISO) for approval.

A VRC is granted read-only access to WEAMS; however, he/she will be able to view suspended and withdrawn facilities in WEAMS.

e. Designation of a Certifying Official
(Change Date September 7, 2018)

An approved facility must designate a certifying official by completing VAF 22-8794, Designation of Certifying Official(s). The certifying official is responsible for verifying enrollment and any changes in the enrollment of a

Servicemember or Veteran participating in training under the Chapter 31 program.

2.06. Facility Payments

a. VA Acquisition Regulation (VAAR) (Change Date September 7, 2018)

As specified in 38 CFR 21.262, required services, supplies and facilities from sources outside VA must be provided through contract, agreement, or other cooperative arrangement between VA and the vendor.

Payments to facilities are subject to the provisions of applicable VA Acquisition Regulation, specifically VAAR 831.7001-1 and VAAR 871.201-1. VR&E staff must consider these regulations to determine if a contract is required before using the services of a facility. The cited VAARs do not apply to Non-Pay Work Experience (NPWE) or On-the-Job Training (OJT) since the facility does not receive payment for services.

1. VAAR 871.201-1 (Change Date September 7, 2018)

As specified in VAAR 871.201-1 a contract, agreement, or other cooperative arrangement must be negotiated for tuition, fees, books, supplies, and other allowable expenses incurred by an institution, training establishment, or employer for the training and rehabilitation of Chapter 31 trainees for the following services:

(a) Correspondence Courses (Change Date September 7, 2018)

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. The assistance of a Contracting Officer may be necessary to negotiate a contract.

(b) Special Services or Courses (Change Date September 7, 2018)

Special services or courses are requested by VA that are over and above those services customarily provided for similarly circumstanced non-Veterans and have been deemed necessary for the rehabilitation of the Veteran. The assistance of a Contracting Officer may be necessary to negotiate a contract.

2. VAAR 871.201-2
(Change Date September 7, 2018)

As specified in VAAR 871.201-2, a contract is not required for a facility that has all tuition, fees, and charges for books, supplies, or required services are published in a school catalog or bulletin.

Additionally, when a contract is not required, the VRC must obtain a signed statement of charges from the facility for the courses to be offered, 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 must be consistent with the published catalog or bulletin. The statement of charges must not exceed charges paid by non-Veterans or that are published in the school catalog or bulletin.

On the other hand, a contract is required if all charges, such as tuition, fees, books, supplies, or required services are not published in a school catalog or bulletin.

b. Requirements for Published Catalogs or Bulletins
(Change Date September 7, 2018)

Published catalogs or bulletins must include the following:

1. Identifying data such as volume number and date of publication.
2. Name of the school and its governing body, officials, and faculty.
3. A school calendar showing legal holidays, beginning, and ending dates of each term, quarter, or semester, and other important dates.
4. School policies and regulations on enrollment with dates and entrance requirements for each program.
5. School policies and regulations concerning absences, class cuts, leaves, make-up work, tardiness, and interruptions for unsatisfactory attendance.

6. School policies and regulations concerning standards of progress required of all students. The policies must define the grading system, minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of the probationary period, if any, and conditions for reentrance of students dismissed for unsatisfactory progress. They should include a statement about progress records kept by the school and furnished to the student.
 7. School policies and regulations on student conduct and conditions for dismissal for unsatisfactory conduct.
 8. Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges.
 9. Policies and regulations of the school concerning the refund of any unused portion of tuition, fees, and other charges in the event the student does not enter the program, withdraws, or discontinues.
 10. Descriptions of available space, facilities, and equipment.
 11. A program outline for each program showing the subjects or units in the program, the type of work or skill to be learned, and the approximate calendar time and clock hours to be spent on each subject or unit.
 12. School policies and regulations on granting credit for previous educational training.
- c. Vendorization
(Change Date September 7, 2018)

All facilities with approved programs of training or courses for Chapter 30, Chapter 33, and Chapter 31 must be vendorized prior to authorization of training for Chapter 31 participants. This process establishes the approved facilities in the VA Financial Services Center (FSC), which ensures payments are appropriately authorized for services provided by the approved facilities.

The VRC must fax completed VAF 10091 to the Vendoring Unit at the FSC in Austin, Texas. Refer to M28R.V.B.3 for further guidance on vendorizing.

- 2.07. Roles and Responsibilities
(Change Date September 7, 2018)

The roles and responsibilities to establish a facility for Chapter 31 participants are defined for the specified individuals below:

- a. Vocational Rehabilitation Counselor (VRC)
(Change Date September 7, 2018)
 1. Ensures that a program of training or course has been approved and that the facility offering the approved program is assigned a valid facility code prior to developing a rehabilitation plan and authorization of Chapter 31 participant's attendance.
 2. Determines if the program of training or course meet regulatory requirements, and makes the request for approval when a facility code has not been assigned for a required program of training or course.
 3. Conducts the required site visit to establish a program of training or course in a facility and ensures that all required forms including the site visit report are completed accurately and submitted to the VR&E Officer for review and approval.
 4. Prepares the approval memo to the Director of VR&E Service after the VR&E Officer's review.
 5. Submits required documentation to the ELR for assignment of a facility code once the approval is granted by the Director of VR&E Services.
 6. Submits a completed VAF 10091 to FMS in Austin, Texas, once a facility code is established and maintains an electronic copy in a centralized electronic folder, or hard copy in a centralized folder located within the VR&E office.
 7. Is responsible for taking the following actions when notification of facility suspension or withdrawal of approval is reported by the ELR:
 - Verifies if there are Chapter 31 participants attending training in the facility.
 - Notifies Chapter 31 participants of suspension of facility approval and proposed termination of their subsistence allowance.
 - Notifies the Chapter 31 participants of termination of their subsistence allowance if approval of the facility is withdrawn.
 - Stops payment of subsistence allowance to Chapter 31 participants affected by the withdrawal.

- Notify the local CWINRS Administrator of facility approval, suspension, and withdrawal to ensure that CWINRS is promptly updated.
- b. CWINRS Administrator
(Change Date November 7, 2013)
- Establishes facility providers and entering facility codes in CWINRS.
 - Updates all reported changes in facility approvals to ensure that facility codes in CWINRS are current and valid. Refer to CWINRS User Guide, Chapter 8.4 for establishing facility providers in CWINRS.
- c. VR&E Officer
(Change Date November 21, 2017)
- Reviews the site visit report including required documentation and must sign the report to indicate approval.
 - Ensures that Appendix CP, Approval Request - Ch31 Only Programs of Training or Courses, along with all required documentation, are prepared for approval by the Director of VR&E Service, through the Director of the Regional Office (RO).
 - Reviews and approves annual compliance reports.
 - Reviews the facility's submitted corrective actions to determine if approval will be maintained or withdrawn if complaints are received or deficiencies are identified regarding a Chapter 31 only facility.
- d. Director of VR&E Service
(Change Date September 7, 2018)
- Reviews and grants the final approval of facility and programs of training or courses for Chapter 31 only and for SRT and SVT programs under Chapter 35.
- e. Education Liaison Representative (ELR)
(Change Date July 2, 2014)
- Assigns facility codes and maintains WEAMS records for all facilities that are approved for payment of education including Chapter 31 only programs of training or courses approved by the Director of VR&E Service.
 - Has the sole authority to assign and update records in WEAMS.

- Is responsible for completing VR&E's request for assignment of a facility code within 30 calendar days from receipt of the request and reviews all submitted documentation for correctness and relevance.
- Emails a confirmation for each request for a facility code, which includes the addition of a program of training or course in the approved facility to the VRC.
- Notifies local VR&E offices on a regular basis when approval for a facility has been suspended or withdrawn by SAA.

2.08. Procedures for Establishing Chapter 31 Only Programs of Training or Courses
(Change Date September 7, 2018)

An approval for Chapter 31 only programs of training or courses may be requested only if a Chapter 31 participant has been identified to pursue the training program.

a. Validation of the Facility Code
(Change Date September 7, 2018)

The VRC must ensure that a facility has been assigned a valid facility code prior to developing a plan of services with a Veteran. If the facility is already assigned a facility code, the VRC must determine if the program of training or course is also approved.

1. Verification of a Facility Code
(Change Date September 7, 2018)

To determine if an existing facility code is correct, the VRC may take the following steps:

- Access the Chapter 31 participant'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.
- Check if the facility code displayed on the screen is correct by clicking on the WEAMS button on the middle of the page.

NOTE: If the facility is already assigned a facility code, the VRC must determine if the anticipated program of training or course is also approved.

2. Facility Code Does Not Match in CWINRS and WEAMS
(Change Date September 7, 2018)

If the facility code displayed on the View Facility Service Provider screen does not match the facility code in WEAMS, the VRC must verify the correct facility code with the ELR.

The VRC must notify the CWINRS Administrator of any discrepancy to ensure that the facility code is corrected in CWINRS.

3. Facility with Multiple Programs of Training or Courses
(Change Date September 7, 2018)

The VRC must ensure that only approved programs of training or courses are used if a facility has multiple programs of training or courses.

For example, Welding Hat is a facility that offers multiple welding courses but is only approved and assigned a valid facility code for a course on Basic Welding Techniques. The facility offers other courses, such as Steel Welding, Aluminum Welding, and Steel Sectioning, which are not approved by VA. The VRC must not authorize training for the three unapproved courses until the Director of VR&E Service grants approval for those courses.

If a selected program of training or course has not been approved, the VRC must take the necessary steps to request approval for the selected program of training or course from the Director of VR&E Service.

4. Approved Facility with Multiple Locations
(Change Date September 7, 2018)

A facility with an approved program of training or course and assigned a valid facility code for a Chapter 31-only facility may have other training sites in multiple locations within an RO's jurisdiction, or in other states. The facility code for the approved facility must not be used for programs of training or courses at facilities in other locations that have not been approved by VA. Approval for those programs of training or courses must be granted to the facilities in other locations prior to authorizing any program of training or course for a Veteran. In addition, they are assigned their own specific facility code.

5. Facility Code Not Assigned in WEAMS
(Change Date September 7, 2018)

A facility code that is not assigned in WEAMS may indicate the following:

- The program of training or course has not been approved by SAA.
- The program of training or course has been suspended by SAA.
- Approval for the program of training or course has been withdrawn by SAA.

The VRC must not authorize training or services for any Chapter 31 participant when a facility code is not assigned, is suspended, or is withdrawn in WEAMS.

b. Required Site Visit
(Change Date September 7, 2018)

The VRC conducts the required site visit. He/she must complete Appendix CO, Checklist for Approval of a Program of Training or Courses, to ensure that all requirements are complied with and completed. The VRC must take the following steps before requesting assignment of a facility code from the ELR:

1. Review existing school catalogs or bulletins, 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.
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 approval of facility or program of training or courses. The results of this visit must be documented in Appendix CO, Site Visit Report. The site survey report must address and reference all issues outlined in 38 CFR 21.290 through 21.299, and it must also address the following:
 - Adequacy of equipment, tools, and educational resource materials, e.g., computer technology, use of industry standard tools.
 - Compliance with Americans with Disabilities Act (ADA), e.g., signage, lighting, parking, wheelchair access.
 - General suitability of the program or course to meet the goal or objectives of the Veterans' plan of services.
 - Previously used for Chapter 31 training.
 - Adequacy of recordkeeping and progress reporting.
 - Cooperation of facility to provide accurate and timely information on students' attendance, courses, and progress.

3. If the facility does not have a published catalog or bulletin, obtain signed statement of charges from the facility.
4. Ensure that the facility completes, signs, and returns the following forms:
 - VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws
 - VAF 22-8794, Designation of Certifying Official(s)
 - VAF 10091, VA-FSC Vendor File Request Form
5. Document if other approved programs were explored and explain the reason the approved programs are not considered suitable to meet the Chapter 31 participant's training needs.
6. Document results of prior, pending, or existing accreditation applications.
7. Document that the program has been in existence for a minimum of one year. Note: This does not apply to specialized rehabilitation facilities.
8. Obtain recent pictures of the facility to demonstrate that the facility is clean, safe, and free of architectural barriers and deficiencies.

NOTE: The VRC may use the most recent site survey report when approval for an additional program of training or course is needed for a facility already approved by the Director of VR&E Service. However, the approval must have been granted within the last year. For example, a site visit report for X facility was completed on September 1, 2016. Approval for additional program of training for that facility is requested on August 1, 2017. The survey report that was conducted on September 1, 2016 may be used to request the additional program approval from the Director of VR&E Service.

In addition, the request must include a review of the curriculum for the program of training or courses.

- c. Approval by the Director of VR&E Service
(Change Date September 7, 2018)

After the VR&E Officer signs off on the site visit report, the VRC must prepare a memorandum to request approval from the Director of VR&E Service. Refer to Appendix CP, Approval Request for Ch31 Only Program of Training or Courses. The memo must be signed by the VR&E Officer and the Director of the RO.

The signed memo request must be sent to the VR&E Service's corporate mailbox for approval, which includes the following documentation:

- Site Visit report - reviewed by the VR&E Officer
- VAF 22-8794, Designation of Certifying Official(s)
- VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws

Subsequently, VR&E Service will notify the RO Director of the decision electronically within 10 calendar days from the date that the request is received.

d. Decision Notification to the Facility
(Change Date September 7, 2018)

The VRC must send a notification letter to the facility informing them of the approval or disapproval of the specific program of training or courses. The notification will include the requirement for sustained compliance of the facility to meet the requirements outlined in 38 CFR 21.290 through 21.299 by conducting an annual site visit. Refer to VR-56, Approval – Ch31 Only Program of Training or Courses, and VR-59, Disapproval - Ch31 Only Program of Training or Courses.

e. Request for Assignment of a Facility Code
(Change Date September 7, 2018)

After the program of training or course is approved by the Director of VR&E Service, the VRC must request assignment of a facility code by sending the following completed documentation to the ELR:

- Appendix CR, Request for Assignment of a Facility Code
- Appendix CP, Approval Request - Ch31 Only Programs of Training or Courses – reviewed and approved by the Director of VR&E Service
- VAF 22-8794, Designation of Certifying Official(s)
- VAF 20-8206, Statement of Assurance of Compliance with Equal Opportunity Laws

f. Vendorizing the Facility
(Change Date September 7, 2018)

The VRC must complete and send VAF 10091 to FSC in Austin, TX to obtain assigned vendorization number.

- g. Entering Facility Code in CWINRS
(Change Date September 7, 2018)

Once a facility code and vendorization number are assigned, the CWINRS Administrator will update CWINRS with the following information:

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

2.09. Suspension and Withdrawal of Chapter 31 Only Facility Approval Change Date of Publication

- a. Request for Suspension
(Change Date September 7, 2018)

A VRC may request suspension of a facility used by Veterans participating in a program of training or courses approved for Chapter 31 only. The following actions must be taken when concerns arise, or if complaints are received prior to requesting suspension of the facility.

1. Conduct and complete a new site survey.
2. Document all deficiencies or violations noted at the facility. Violations may include the lack of facility cooperation in providing timely and accurate information, courses and progress, or loss of school accreditation.
3. Request the VR&E Officer's review of the report and approval for recommended suspension of the facility. The VR&E Officer approves suspension of enrollments or reenrollments.

- b. Suspension of Approval
(Change Date September 7, 2018)

1. Upon approval of the suspension by the VR&E Officer, the VRC must send a written notice of suspension to the facility by certified mail or

electronically with a request for confirmation of receipt. Refer to VR-60, Notice of Suspension – Facility (Ch31 Only). The VRC must inform the school officials of the suspension based on the identified deficiencies or violations that must be corrected within 60 calendar days. The VR&E Officer may authorize an additional 30 calendar days if the request is made within 60 calendar days from the date of proposed suspension. However, the period must not exceed 90 calendar days.

2. During the suspension, current Chapter 31 participants may continue to attend the approved program of training or courses; however, new enrollment or reenrollment will not be authorized within the suspension period.
3. The VR&E Officer will review the corrective action(s) taken by the facility and will notify the facility if the actions taken are acceptable. The notification will be sent to the facility within 10 business days from the date of receipt of the corrective actions. Refer to VR-61, Notice of Continuance – Facility (Ch31 Only).
4. If the facility does not take adequate corrective measures after 60-calendar days, or within the extension granted of no more than 90 calendar days, a notification must be sent to all students attending the facility regarding the anticipated termination of their subsistence allowance. Refer to VR-63, Proposed Termination of SA - Participant (Ch31 Only).

The notification for the proposed termination of subsistence allowance must be sent 30 days prior to the actual termination of payment of the subsistence allowance. Payment of subsistence allowance will be terminated effective the last day of the current term.

c. Withdrawal of Approval

(Change Date September 7, 2018)

1. The VRC may stop payment of subsistence allowance effective the last day of the term. The VRC must send written notice of suspension of benefits to the students. The notification must state the reason(s) for suspension of subsistence allowance payments, the effective date of the suspension, and must include due process. Refer to VR-64, Termination of SA – Participant (Ch31 Only Facility).
2. Once the approval of the facility is withdrawn, the facility is no longer authorized to provide services to any Chapter 31 participants. The VRC

must notify the facility of the withdrawal of approval. Refer to VR-62, Notice of Withdrawal – Facility (Ch31 Only).

3. The VRC must inform the CWINRS Administrator of the withdrawal of approval of the facility. The CWINRS Administrator must take the corresponding action for withdrawal by following the guidelines in the CWINRS manual. Further guidance on how to add, edit or view facility service provider information is found in the CWINRS User Guide, Chapter 8.4.2.
4. The VRC must inform the ELR regarding the withdrawal of approval and subsequently take appropriate action.
5. The VRC must work with the Chapter 31 participant to identify another program that has been approved and assigned a valid facility code.

2.10. Withdrawal of Accreditation by the Secretary of Education
(Change Date September 7, 2018)

When a program of training or course is subject for disapproval because the Secretary of Education withdrew the recognition of the accrediting agency, which accredited the program of training or course, all Veterans enrolled in the program of training or course, must be notified of the withdrawal of approval.

In this situation, the program of training or course may be considered approved for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless VA determines that the approval should not be extended. This means that the Veterans currently enrolled in the program of training or course may continue to complete the program within the 18-month period, if VA approves the extension. Refer to 38 U.S.C. 3679(a)(2).

2.11. Establishing Training Facility for Apprenticeship, On-the-Job Training, or Non-Paid Work Experience Programs
(Change Date September 7, 2018)

Apprenticeship and paid OJT may be approved at a variety of locations if the employer meets the criteria specified in 38 CFR 21.290 through 21.296. This includes any employer such as private employers, non-profits, federal agencies, state agencies, or other local or public agencies.

NPWE or non-paid or nominally paid OJT may be approved at the facilities of any Federal agency or of any state or local government receiving federal financial assistance.

a. Selecting the Training Facility
(Change Date September 7, 2018)

The case manager must take the following actions when selecting a training facility that has not been approved by VA:

1. Visit the facility to determine the adequacy of equipment, tools, and educational resource materials, accessibility to individuals with handicap and necessity for workshop modifications. Follow the procedures outlined in Section 2.08.b.1.(b) of this chapter.
2. Determine that the criteria for approval of training establishment and the conditions listed on section 12.04 of this chapter have been met before authorizing a Veteran's period of on-job training or work experience at a state or local government agency.
3. Interview trainers, managers, and other trainees to determine the quality of instruction and staff resources.
4. In addition to meeting all requirements of 38 CFR 21.294, the case manager must ensure that the training establishment selected for OJT must:
 - (a) Sign an agreement to provide on-job training to the Chapter 31 Veteran.
 - (b) Provide continuous training for each Veteran without interruption, except for normal holidays and vacation periods.
 - (c) Provide daytime training for the Veteran except when he/she cannot obtain necessary on-job or related training during the work hours of the day.
 - (d) Modify the program when necessary to compensate for the limitations resulting from the Veteran's disability or needs.
 - (e) Organize training into definite steps or units which will result in progressive training.
 - (f) Encourage rapid progress of each Veteran rather than limit the progress of the individual to the progress of the group.
 - (g) During the period of training, do not use the Veteran on production activities beyond the point of efficient training.

- (h) Agree to pay the Veteran during training (except of non-paid or nominally paid Work Experience or OJT) a salary or wage rate that is consistent with each of the following:
 - Commensurate with the value of the Veteran's productive labor.
 - Not less than that prescribed by the Fair Labor Standards Act of 1938, as amended.
 - Not less than that customarily paid to non-Veteran-trainees in the same or similar training situation.
- (i) Agree to provide the Veteran with employment at the end of the training program, provided the Veteran's conduct and progress have been satisfactory.
- (j) Agree to furnish VA a statement in writing showing wages, compensation, and other income paid directly or indirectly to each Veteran in training under Chapter 31 during the month.

b. Completing Required Forms
(Change Date September 7, 2018)

The case manager must ensure that the required forms listed below are completed:

- VAF 28-1904, Agreement to Train on the Job Disabled Veterans
- VAF 20-8206, VA Statement of Assurance of Compliance with Equal Opportunity Laws

The case manager must also complete any supplemental documents necessary to meet the requirements of the law, or as required by the employing agency.

Note: The case manager must ensure that the original copies are maintained in the contract file in accordance with RCS VB-I, Part 1, Item No. 07-620.010.

c. Approval by the VR&E Officer
(Change Date September 7, 2018)

The case manager must submit the site visit report and required forms to the VR&E Officer for approval.

d. Assigning a Facility Code
(Change Date September 7, 2018)

Once the request is approved, the case manager must follow the procedures outlined in Section 2.05.c of this section to request assignment of a facility code to the training establishment.

2.12. Recordkeeping of Approvals for Facility and Programs of Training or Courses
(Change Date September 7, 2018)

All documentations for assignment of a facility code for Chapter 31 must be maintained in a centralized file in the VR&E office. Completed documents and forms for each facility must be maintained electronically in a centralized electronic folder, or hard copies in a centralized folder located within the VR&E office.

The centralized file for facility codes must contain the following:

- Requests for approval.
- Site visit reports.
- Annual compliance reports.
- All completed and required VA forms and memoranda.
- Requests and approvals for suspension.
- Notification letters to the facility.
- Notification letters to the students.

2.13. Compliance

a. Annual Site Visit
(Change Date September 7, 2018)

Approved Chapter 31 only facilities must be visited annually to ensure the facility's continued compliance with the course and facility approval provisions outlined under 38 CFR 21.290 through 21.299.

- If the facility is continuously used for Chapter 31 only and there are no changes in the curriculum, the VRC may refer to the site visit report for the annual compliance report.
- If the Chapter 31 only facility has not been used for more than one year, the VRC must conduct a new site visit.

b. Compliance Report
(Change Date September 7, 2018)

An annual site visit must be conducted for all approved Chapter 31 only facilities. The report must be documented in VAF 22-1934, Compliance Survey Report. The VR&E Officer must review and sign the report.

The compliance report must be maintained in a centralized file within the VR&E office.