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Chapter 2
CHAPTER 35 BENEFITS PROVIDED BY VR&E

2.01 Introduction

This chapter describes the benefits offered under title 38 of the 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 Department of Veterans Affairs (VA) 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) 21.1034 38 CFR 21.3100 38 CFR 21.3104 38 CFR 21.3300 - 21.3307 38 CFR 21.3333 38 CFR 21.3344 38 CFR 21.4105 38 CFR 21.4232 38 CFR 21.4233 38 CFR 21.4252 38 CFR 21.4260
Publications:	M22-4, Part 7 VA Pamphlet 22-73-3 Records Control Schedule (RCS) VB-1, Part 1, Section 7 CWINRS User Guide, Chapter 6
VA Forms (VAF):	VAF 22-5490, Dependents' Application for VA Education Benefits VAF 28-0850, Checklist for Proposed Rehabilitation

VAF 28-0853, Checklist for Proposed Discontinuance
VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status
VAF 28-1905d, Special Report of Training
VAF 28-1902n, Counseling Record – Narrative Report (Supplemental)
VAF 28-8832, Educational/Vocational Counseling Application
VAF 28-8872, Rehabilitation Plan
VAF 4107, Your Right to Appeal Our Decision

Websites: www.benefits.va.gov/gibill/DEA.asp
www.benefits.va.gov/gibill/resources/benefits_resources/rate_tables.asp#ch35

2.03 Chapter 35 Overview

a. Purpose

The program of educational assistance under Chapter 35 can be referred to either as Survivors' and Dependents' Educational Assistance or as Dependents' Educational Assistance (DEA). It is designed to provide education benefits to the dependent or surviving spouse, or child of a Veteran who meets specific requirements, which are outlined in this chapter.

b. 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.

Refer to M22-4, Part 7, Chapter 1 for additional information on eligibility for DEA, and how eligibility is determined by the RPO.

c. Application Process

To apply for Chapter 35 DEA, the individual must complete VAF 22-5490, Dependents' Application for VA Education Benefits, and forward to the nearest RPO for VA Education benefits. The individual may request to receive educational and vocational counseling to assist with utilizing Chapter 35 DEA benefits by filing a separate VAF 28-8832, Educational/Vocational Counseling Application. See Appendix O, VA Forms, for information on how to access this form, as well as all forms referenced in this chapter. Counseling is required under 38 CFR 21.3100 when the eligible individual has a disability and may require special restorative training (SRT) or special vocational training (SVT). Additional information is available in VA Pamphlet 22-73-3, published at www.benefits.va.gov/gibill/DEA.asp

The RPO receives and processes Chapter 35 applications, verifies the individual's eligibility, and forwards the application to the VR&E division of jurisdiction when counseling services are requested or required.

d. 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.
- 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. VR&E Division

The VR&E Officer (VREO) or designated employee in the VR&E Division is

responsible for:

- Processing applications for Chapter 35 services once received from the RPO.
- Creating the blue DEA folder with information on eligibility, entitlement, and the type of Chapter 35 services required or requested.
- Creating the electronic record in Corporate WINRS (CWINRS).
- Assigning the case to a Vocational Rehabilitation Counselor (VRC) for provision of services.
- Processing beneficiary travel to and from the place of counseling for an eligible individual who is required to receive counseling. Note: travel will not be paid when counseling is not required, but is provided as a result of a voluntary request by the eligible person. See M28R.V.B.6 for additional guidance on processing beneficiary travel.
- Note: Although the VR&E Division must approve the dependent's training program, the RPO is responsible for paying the DEA award; VR&E has no authority to pay Chapter 35 DEA awards.

4. VRC

- The VRC must develop and approve the plan of services.
- 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.
- Notifying the RPO of the results of required counseling and providing requested documentation.

- Evaluation in special educational or rehabilitation facilities. When it is difficult to evaluate the potential of an eligible person who, because of intellectual disabilities, 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 VREO to the VRP for its assistance in the evaluation and planning process (38 CFR 21.3300, 21.3301 and 21.4105).

5. Director, VR&E Service

- The Director of VR&E Service must give prior approval for a plan for SRT exceeding 12 months and a plan for SVT exceeding 45 months.

6. Vocational Rehabilitation Panel

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 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.

e. Folder Development and Maintenance

The DEA folder must be identified along the upper left trailing edge with the eligible individual's name and file number. Each DEA folder must be clearly identified as Chapter 35 DEA immediately to the left of the qualified individual's name.

Maintenance, to include filing procedures, handling, storage and destruction, of Chapter 35 DEA folders is comparable to the maintenance of a Chapter 31

Counseling/Evaluation/Rehabilitation (CER) folder outlined in M28R.II.A.2.

f. Reporting and Tracking in CWINRS

CWINRS is the primary reporting and tracking system used for Chapter 35 cases. As a result, VR&E must rely upon CWINRS structure to monitor Chapter 35 cases. This is especially important when tracking rehabilitation determinations since these determinations are not automatically included in reports available through the Benefits Delivery Network (BDN). An electronic case record for the eligible individual must be manually created in CWINRS by using the "Create Folder" function and selecting the appropriate payee code for Chapter 35 benefits. After choosing a Chapter 35 case, CWINRS will require entry of both the Veteran's information and the eligible dependent's information. The case will be created in Applicant (APP) status. Refer to Chapter 6 of the CWINRS User Guide for additional details on manual case creation.

g. Services

An eligible individual under Chapter 35 may qualify for specific types of services provided by VR&E. These services include:

- Educational and Vocational Counseling
- Special Assistance
- Special Restorative Training
- Specializes Vocational Training

h. Limitations

Since Chapter 35 is an education benefit, VR&E may not provide programs consisting solely of Independent Living (IL) services to an eligible individual under Chapter 35. In addition, eligible individuals may not use Chapter 35 benefits for the following courses:

- Bartending.
- Non-accredited independent study courses.
- Any course given by radio.
- Self-improvement courses, such as personality development courses,

reading, speaking, woodworking, basic seamanship, and English as a second language.

- Any course that is avocational or recreational in character.
- Audited courses.
- Foreign courses, unless the course is being offered in the Philippines or is approved under 38 CFR 21.4260.
- Courses that do not lead to an educational, professional, or vocational objective.
- Courses that the individual has taken before and successfully completed.
- Courses taken under the Government Employees' Training Act, if the individual is a Federal government employee.
- A program at a proprietary school if the individual is an owner or official of the school.
- Courses taken while the individual is receiving benefits for the same program from the Office of Workers' Compensation programs.

Refer to 38 CFR 21.3130, 38 CFR 21.4233(c), 38 CFR 21.4252, and 38 CFR 21.4260 for additional information on restricted courses.

i. Entitlement and Duration of Services

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

1. Months of Entitlement

(a) Eligible Child

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 for additional information.

Note: If a child qualifies for Chapter 35 benefits based on the service

of two parents (i.e., death of both parents), the child still only qualifies for a total of 45 months. However, if the child claimed both Veterans, he/she would qualify for payment at twice the full-time rate monthly, but the child would receive only 22 ½ months of entitlement from each parent.

(b) Eligible Spouse

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.

2. Entitlement Charges

(a) Institutional Training

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) Apprenticeship and On-the-Job Training

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) Correspondence Training

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) Secondary-Level Training

For secondary-level training (including non-credit 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) Overpayments

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

3. Entitlement Not Charged

Eligible individuals under Chapter 35 may receive certain secondary level training without charge to entitlement as described below:

(a) 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.

(b) 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.

(c) 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) Tutorial Assistance

There is no entitlement charge for tutorial assistance.

4. Award Processing and Entitlement Computations

Although the VR&E Division must approve the dependent's training program, the RPO is responsible for paying the DEA award. VR&E has no authority to pay Chapter 35 DEA awards. The following information is provided as a resource to allow the VRC to assist the Chapter 35 participant in resolving questions regarding award payments and entitlement computations during case management.

For information on 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.benefits.va.gov/gibill/resources/benefits_resources/rate_tables.asp#ch35 for DEA rate tables

j. Required Documentation

1. VA Form 22-5490

VA Form 22-5490 serves as an official request for Chapter 35 benefits.

2. VA Form 28-8832

VA Form 28-8832 serves as an official request for counseling.

3. VA Form 28-1902n and CWINRS Notes

The VRC must use VAF 28-1902n or CWINRS notes 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

The VRC must use VAF 28-1902n or CWINRS notes 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

VA Form 28-8872 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. VAF 28-8872 must be used for individuals needing either SRT or SVT.

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 any 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 DEA 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 Chapter 35 service provided to eligible individuals who do not have a disability. Beneficiary travel may be paid for travel to and from counseling appointments.

4. Phases for Educational and Vocational Counseling Services

(a) Vocational Interview

The vocational interview allows for information gathering (recent history and other background information) and 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 the vocational interview and vocational evaluation.

(d) Personal Adjustment 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 Educational and Vocational Counseling

The VRC must document the Chapter 35 educational and vocational counseling in a written narrative that addresses evaluation and planning activities on VAF 28-1902n or in a CWINRS case note. In addition, the VRC must provide the individual with a copy of the vocational assessment summary and plan of action, documented on VAF 28-8606, Notes from Counseling and Next Steps. See M28R.VII.A.1 for guidance on completing the educational and vocational assessment and plan of action.

(g) CWINRS Case Actions

If the eligible individual requests only educational and vocational counseling, or does not have a disability, the case will remain in APP status during the provision of educational and vocational counseling services. Once the requested educational and vocational counseling services have been provided, the VRC will move the case from APP to either Completed with Counseling or Closed without Counseling, similar to the case status movements under Chapter 36. See M28R.VII.A.1 for additional information on case closure following a request for educational/vocational counseling.

b. Special Assistance

1. Purpose and Scope of Services

A program of special assistance is provided to assist the eligible Chapter 35 individual who is considered to be educationally disadvantaged under 38 CFR 21.3344, even if he/she does not need SRT or SVT. The eligible individual may only receive this assistance when a VRC determines that he/she:

- Has not received a secondary school diploma or equivalency certificate.
- Needs additional secondary school education, remedial, refresher, or deficiency courses, to qualify for admission to an appropriate educational institution in a State in order to pursue a program of education.
- Is to pursue the course or courses in a State.

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 also certify the individual'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 the 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. After five months of such training, VA will charge entitlement on the same basis as institutional training.

6. Documenting Special Assistance

The VRC must document the need for Chapter 35 special assistance by writing the narrative for the evaluation and outcome on VAF 28-1902n or in a CWINRS case note. The VRC must meet the evaluation and planning documentation standards in the same manner as for Chapter 31. The VRC will send a copy of the narrative evaluation and outcome, as well as VAF 28-1905, Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status, to the RPO to certify need for the specific remedial, refresher, or deficiency courses identified during the evaluation. All documentation must be filed in the individual's DEA folder.

7. CWINRS Case Actions

When the individual reports for counseling, the VRC will move the case to Evaluation and Planning (EP) status. The VRC must document the need for Chapter 35 special assistance by writing the narrative for the evaluation and outcome on VAF 28-1902n or in a CWINRS case note. The recommended remedial courses will be outlined on VAF 28-1905. If the individual also qualifies for either SRT or SVT, the period of Special Assistance and recommended remedial courses must be outlined on the IEEP or IWRP, as appropriate, in the CWINRS Rehabilitation tab.

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. Refer to Appendix BS, Chapter 35 Special Restorative Training (SRT) Flow Chart, for an overview of the SRT process.

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 evaluation and 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 restorative 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 21.3104 and 38 CFR 21.3300-21.3306 for more information on the VRP.

4. Services

If the need for SRT has been established, the VRC must develop and implement a plan of services. If the need for SRT is not established, the VRC must notify the applicant of the disallowance of his/her claim.

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 if SRT is Not Approved

The VRC must inform the eligible individual, or parent, guardian or legal custodian, in writing if SRT 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 using VAF 4107 (38 CFR 21.3301). The case must be discontinued in CWINRS using reason code (RC) 09.

6. Developing a Plan of SRT 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 with a DOT code of 999. Although a determination of serious employment handicap (SEH) is not required for the provision of SRT services, the SEH indicator in CWINRS must be checked prior to moving the case into extended evaluation (EE) status. See M28R.IV.C.3 for procedural guidance on the development of an IEEP. 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

- 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.
- The VRC, the eligible individual, or parent, guardian or legal custodian, and the VRP should work together to develop the SRT plan.
- 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.
- 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.
- The documentation for a Chapter 35 plan of services must include a specifically defined delimiting date for receipt of benefits.
- 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.
- The VRC must refer cases to the Director of VR&E Service for approval if the plan exceeds 12 months.

(b) SRT Services

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.

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) and may be pursued concurrently with a program of education.

(c) Developing Agreements for SRT

(1) Negotiation of Agreements

If the selected facility is not already approved for use of GI Bill funds in training, the facility must receive approval from the State Approving Agency (SAA) official for use as a training facility under Chapter 35. The VRC must coordinate closely with the RPO and the SAA when developing a plan for SRT that includes a facility or individual that has not been granted approval to provide Chapter 35 training.

Agreements for SRT are prepared by the VA 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:

- The name and address of the institution or individual furnishing the training.
- The name and address of the guardian or legal custodian of the eligible person.
- The name and claim number of the eligible person.
- 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.
- 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.
- 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.
- 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.
- 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.
- The basis on which the parent, guardian, legal custodian or dependent (if of age and competent) will make payments.
- 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.
- 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.

(2) Signing the Agreement

The agreement must be signed by the following individuals:

- The authorized representative of the institution or the person furnishing the training.
- The parent, guardian, legal custodian, or dependent (if of age and competent) indicating agreement to pay the stated charges for the services provided.
- 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. 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.

See Rate Tables published each fiscal year for Accelerated Charge and Entitlement Reduction calculation at www.benefits.va.gov/gibill/resources/benefits_resources/rate_tables.asp#ch35

(3) 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 is retained by the SAA for the purpose of documenting approval and monitoring compliance.
- One copy retained in the VR&E Division and made a part of the eligible individual's DEA folder.

(4) Inducting the Eligible Individual into Training

The VA 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.

(5) 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).

(6) 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 under a plan of SRT, consistent with the guidelines for providing case management during a period of extended evaluation.

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

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

(d) Documenting SRT

VAF 28-1902n or CWINRS case note 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.

If the eligible individual'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.

VAF 28-1905d or CWINRS case note should be used to document case management and progress. All forms and documentation must be filed in the DEA 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 in accordance with M28R.III.C.2. Refer to M28R.III.A.1 for guidance on the appropriate reason codes to use when moving the case from EE status to Interrupt (INT) status in CWINRS.

(f) Reentrance into SRT Services After Interruption

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

- 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.
- 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.
- Approve any necessary adjustments if the conditions that caused interruption can be resolved.
- Coordinate with the parent, guardian, legal custodian or dependent

(if of age and competent) and the school for reentrance if further training is approved.

- 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) Successful Completion of SRT Services

When all objectives of the developed SRT plan have been successfully met, and further consultation with the VRP determines that an additional program consisting of SVT services would not benefit the individual, the case will be interrupted using RC 16. The VRC will provide written notification of interruption and intended case closure. The case must remain in INT status for a minimum of 30 days prior to closure. The VRC will prepare a closure summary that provides an overview of the SRT services provided and submit the case, with a completed VAF 28-0853, Checklist for Proposed Discontinuance, to the VREO for concurrence with closure. If approved for closure, the case will be processed for discontinuance using a maximum rehabilitation gain code, RC 34, with the associated detail reason code (DRC) of "B" and considered a positive outcome.

(h) 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:

- Notify the parent, guardian or legal custodian, or the eligible individual (if of age and competent) in writing of the action taken.
- Explain the intent and purpose of the discontinuance, describing the actions taken.
- Provide information about potential rights to other programs of education.
- 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).

If the objectives of the SRT plan were not successfully met, the VRC

must not use RC 34B at the time of closure. The VREO must concur with case closure. The case may be closed using RC 03 once concurrence is obtained. Refer to M28R.V.A.7 for additional guidance on the discontinuance process. The eligible individual is precluded from pursuit of SRT until a VRC determines that the cause of discontinuance has been removed.

(i) 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 DEA 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.

d. SVT

1. Purpose and Scope of Services

SVT is a training program that 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. In the case of some severely disabled individuals, a period of SVT may be authorized following successful completion of a plan of SRT services, provided the vocationally-oriented goal of SVT is found to be feasible for the individual. The VRC must consult with the VRP in determining the need for SVT.

3. Services

An 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 the SVT evaluation and case support services. Refer to Appendix BT, Chapter 35 Specialized Vocational Training (SVT) Flow Chart, for an overview of the SVT process.

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 evaluation and 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

If the need for SVT is established, the VRC must develop and implement a plan of services.

If the need for SVT is not established, the VRC must notify the applicant in

writing of the disallowance of his/her claim, and provide the individual with VAF 4107 (38 CFR 21.1034). The case must be discontinued in CWINRS using RC 09.

6. Developing and Implementing SVT Plan of Services

(a) Plan Development

Following consultation with the VRP, the VRC must determine the need for and feasibility of SVT. If the eligible individual is found 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.

The VRC, the eligible individual, or parent, guardian or legal custodian and the VRP must work together to develop the SVT plan. An 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. 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.

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.

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.

The case will be moved to Rehabilitation to Employment (RTE) status in CWINRS once the plan has been signed by the VRC and the eligible individual. SVT services will be provided while the case is in RTE status.

While VR&E does not provide direct employment placement assistance to eligible individuals under Chapter 35, the SVT plan must include objectives that relate to the vocational objective of the individual. This includes identification of resources, such as the State Division of Vocational Rehabilitation, or local workforce boards, that will provide the individual with assistance in finding employment upon completion

of SVT training.

(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 frequency of case management activities is determined by the needs of the eligible individual, and must be documented in CWINRS on the Rehab tab and in the file using VAF 28-1902n or CWINRS case note.

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

(c) Documenting SVT

The VRC must use VAF 28-1902n or CWINRS case note to record the Chapter 35 evaluation, planning and case support, and to document the development of the plan. The evaluation and planning documentation standards are the same as for Chapter 31.

The VRC must 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.

VAF 28-1905d or CWINRS notes should be used to document case management and progress. All forms and documentation must be filed in the DEA folder.

(d) Interruption of SVT Services

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

- During a prolonged period of illness or medical infeasibility.
- 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:

- 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.
- 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.
- Consult with the VRP, if needed.
- 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) Rehabilitation

The intent of Chapter 35 SVT is to enable individuals, to the maximum extent possible, to pursue a vocational goal. When an eligible individual successfully completes SVT, he/she will be able to pursue a vocational objective, and will be referred to placement services as appropriate. The VRC will document the determination of job readiness using VAF 28-1905d or CWINRS case note at the time of referral to placement services, and move the case to Job Ready (JR) status. Once the individual has been referred to the appropriate agency for placement services, the VRC will prepare the case for closure. Direct employment assistance and post-employment follow up are beyond the scope of VR&E services authorized under Chapter 35. The VRC may move the case to Rehabilitated status if all objectives of the SVT plan have been met, and the individual has been referred for appropriate placement

assistance. The VRC will follow the steps outlined in M28R.V.A.7 to complete the rehabilitation process. The VREO must concur with the rehabilitation prior to case closure, and will document this approval on VAF 28-0850, Checklist for Proposed Rehabilitation.

(2) Discontinuance

If the individual has not achieved all objectives of the SVT plan, or is not able to pursue a vocational objective, the case may not be considered for rehabilitation. In addition, if the individual decides not to pursue services or does not respond to attempts by the VRC to participate in the rehabilitation plan, discontinuation of the case may be necessary. For programs consisting of SVT, maximum rehabilitation gain (MRG) outcomes may not be considered. The VREO must concur with case closure. Refer to M28R.V.A.7 for additional guidance on the discontinuance process. At the time of discontinuance, the VRC must execute the following actions:

- Notify the parent, guardian or legal custodian, or the eligible individual (if of age and competent) in writing of the action taken.
- Explain the intent and purpose of the discontinuance, describing the actions taken.
- Provide information about potential rights to other programs of education.
- 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 VR&E Division will file the DEA folder in inactive storage. 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.