

Department of Veterans Affairs

§ 21.3330

(5) When the eligible child is no longer acceptable to the institution because of failure to maintain satisfactory conduct or progress in accordance with the rules of the institution.

(6) When the eligible child's progress is materially retarded because of his or her negligence, lack of application or misconduct.

(Authority: 38 U.S.C. 3541, 3543(b))
[48 FR 37973, Aug. 22, 1983]

§ 21.3306 Reentrance after interruption.

When a course of special restorative training has been interrupted and the eligible child presents himself or herself for reentrance, the Department of Veterans Affairs will act as follows:

(a) *Action by a vocational rehabilitation specialist.* A vocational rehabilitation specialist will approve reentrance when special restorative training was interrupted:

- (1) For a scheduled vacation period, such as a summer break,
- (2) For a short period of illness, or
- (3) For other reasons which permit reentrance in the same course of special restorative training without corrective action.

(Authority: 38 U.S.C. 3543(b))

(b) *Referral to the counseling psychologist.* (1) The vocational rehabilitation specialist will refer the eligible child's case to the counseling psychologist when special restorative training was interrupted—

- (i) By reason of failure to maintain satisfactory conduct or progress, or
 - (ii) For any other reason, which requires corrective action, such as changes of place of training, change of course, personal adjustment, etc.
- (2) The counseling psychologist will consult with the Vocational Rehabilitation Panel. If he or she determines that the conditions which caused the interruption can be overcome, he or she will approve the necessary adjustment.
- (3) The counseling psychologist will make a finding of infeasibility if—
- (i) All efforts to effect proper adjustment in the case have failed; and
 - (ii) There is substantial evidence, resolving any reasonable doubt in favor

of the child (as discussed in § 3.102 of this chapter), that additional efforts will be unsuccessful.

(Authority: 38 U.S.C. 3541, 3543(b))
[48 FR 37973, Aug. 22, 1983, as amended at 49 FR 42726, Oct. 24, 1984]

§ 21.3307 "Discontinued" status.

(a) *Placement in "discontinued" status.* If reentrance from *interrupted* status into a program of special restorative training is not approved by a counseling psychologist under the provisions of § 21.3306, the vocational rehabilitation specialist will place the case in *discontinued* status.

(b) *Notification.* In any case of discontinuance the Department of Veterans Affairs will:

- (1) Notify the eligible child's parent or guardian of the action taken, and
- (2) Inform him or her of the eligible child's potential right to a program of education.

(c) *Effect of discontinuance.* An eligible child who has been placed in *discontinued* status is precluded from any further pursuit of special restorative training until a Department of Veterans Affairs counseling psychologist in the Vocational Rehabilitation and Employment Division determines that the cause of the discontinuance has been removed.

(Authority: 38 U.S.C. 3543(b))
[48 FR 37973, Aug. 22, 1983, as amended at 49 FR 42726, Oct. 24, 1984]

PAYMENTS; SPECIAL RESTORATIVE TRAINING

§ 21.3330 Payments.

(a) Payments will be made to the person designated to receive the payments under the provisions of § 21.3133(b).

(b) VA will pay special training allowance only for the period of the eligible child's approved enrollment as certified by the vocational rehabilitation specialist. In no event, however, will VA pay such allowance for any period during which:

- (1) The eligible child is not pursuing the prescribed course of special restorative training that has been determined to be full-time training with respect to his or her capacities.

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(2) An educational assistance allowance is paid.

(Authority: 38 U.S.C. 3542)

(c) The provisions of § 21.3133(e) apply to the payment of special restorative training allowance.

(Authority: 38 U.S.C. 3562)

[30 FR 15646, Dec. 18, 1965, as amended at 31 FR 6774, May 6, 1966; 50 FR 21606, May 28, 1985; 61 FR 26112, May 24, 1996]

§ 21.3331 Commencing date.

The commencing date of an authorization of a special training allowance will be the date of entrance or re-entrance into the prescribed course of special restorative training, or the date the counseling psychologist approved the course for the eligible child whichever is later. See also § 21.3130(c).

(Authority: 38 U.S.C. 3542)

[49 FR 42726, Oct. 24, 1984, as amended at 61 FR 26112, May 24, 1996]

Course	Monthly rate	Accelerated charges
Special restorative training	\$608.00	If costs for tuition and fees average in excess of \$190.00 per month, rate may be increased by such amount in excess of \$190.00.

(Authority: 38 U.S.C. 3542)

§ 21.3332 Discontinuance dates.

VA will discontinue special training allowance as provided in this section on the earliest date of the following:

- (a) The ending date of the course.
- (b) The ending date of the period of enrollment as certified by the vocational rehabilitation specialist.
- (c) The ending date of the period of eligibility.
- (d) The expiration of the eligible child's entitlement.
- (e) Date of interruption of course as determined by the vocational rehabilitation specialist under § 21.3305.
- (f) Date of discontinuance under the applicable provisions of § 21.3130(d).

(Authority: 38 U.S.C. 3543(b))

[50 FR 21606, May 28, 1985, as amended at 61 FR 26112, May 24, 1996]

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rates, except as provided in paragraph (c) of this section.

- (1) For special restorative training that occurs after September 30, 2001, and before January 1, 2002.

- (2) For special restorative training that occurs after December 31, 2001:

Course	Monthly rate	Accelerated charges
Special restorative training	\$670.00	If costs for tuition and fees average in excess of \$210.00 per month, rate may be increased by such amount in excess of \$210.00.

(Authority: 38 U.S.C. 3542)

(b) *Accelerated charges.* (1) VA may pay the additional monthly rate if the parent or guardian concurs in having the eligible child's period of entitlement reduced by 1 day for each \$20.28 that the special training allowance exceeds the basic monthly rate of \$608.00 for the period October 1, 2001, through December 31, 2001, and for each \$22.33 that the special training allowance ex-

ceeds the basic monthly rate of \$670.00 for months beginning January 1, 2002.

- (2) VA will:
 - (i) Charge fractions of more than one-half day as 1 day;
 - (ii) Disregard fractions of one-half or less; and
 - (iii) Record charges when the eligible child is entered into training.

(Authority: 38 U.S.C. 3542)