

**Department of Veterans Affairs**

**§21.3131**

as a result of a voluntary request by the eligible person.

(Authority: 38 U.S.C. 111)

**PAYMENTS**

**§21.3130 Educational assistance.**

(a) *Approval of a program of education.* VA will approve a program of education selected by an eligible person if:

(1) The program is described in §21.3021 (h) and (i) or (j);

(2) The individual is not already qualified for the objective of the program of education;

(3) The proposed educational institution or training establishment is in compliance with all the requirements of 38 U.S.C. chapters 35 and 36; and

(4) It does not appear that the enrollment in or pursuit of such person's program of education would violate any provision of 38 U.S.C. chapters 35 and 36.

(Authority: 38 U.S.C. 3521)

(b) *Payments.* VA will pay educational assistance at the rate specified in §21.3131 (subject to the reductions required by §21.3132) while the eligible person is pursuing an approved program of education or training.

(Authority: 38 U.S.C. 3521, 3532)

(c) *No payment for excessive training.*

(1) VA will make no payment for:

(i) Training in an apprenticeship or other on-job training program in excess of the number of hours approved by the State approving agency or VA; or

(ii) Lessons completed in a correspondence course in excess of the number approved by the State approving agency.

(2) A school's standards of progress may permit a student to repeat a course or portion of a course in which he or she has done poorly. VA considers the repeated courses to be part of the program of education. VA will make no payment for courses or training if the courses or training are not part of the eligible person's program of education.

(Authority: 38 U.S.C. 3501(a)(5), 3521)

(d) *Courses precluded.* VA may not pay educational assistance:

(1) For pursuit of a course if approval of the enrollment in the course is precluded by §21.4252;

(2) For training in a foreign country unless the training is in the Philippines or is approved pursuant to the provisions of §21.4260; or

(3) For pursuit of a course offered by open-circuit television, unless the eligible person's pursuit meets the requirements of §21.4233(c).

(Authority: 38 U.S.C. 3523)

(e) *Commencing date.* In determining the commencing date of an award of educational assistance, VA will apply the provisions of §21.4131.

(Authority: 38 U.S.C. 5113)

[61 FR 26109, May 24, 1996]

**§21.3131 Rates—educational assistance allowance—38 U.S.C. chapter 35.**

(a) *Rates.* Except as provided in §21.3132, educational assistance allowance is payable at the following rates for pursuit of education or training that occurs after September 30, 2001, and before January 1, 2002:

Type of course	Monthly rate
<b>Institutional:</b>	
Full time .....	\$608.00
¾ time .....	456.00
½ time .....	304.00
Less than ½ but more than ¼ time <sup>1</sup> .....	304.00
¼ time or less <sup>1</sup> .....	152.00
Cooperative training (other than farm cooperative) (Full time only)	608.00
<b>Apprenticeship or on-the-job (full time only)<sup>2</sup>:</b>	
First six months .....	443.00
Second six months .....	331.00
Third six months .....	219.00
Fourth six months and thereafter .....	111.00
<b>Farm cooperative:</b>	
Full time .....	491.00
¾ time .....	368.00