

**Department of Veterans Affairs**

**§ 21.3333**

(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]

**§ 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.

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)

- (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)

## § 21.3344

## 38 CFR Ch. I (7–1–04 Edition)

(c) *Payments made to eligible persons in the Republic of the Philippines or to certain Filipinos.* When the eligible person is pursuing training at an institution located in the Republic of the Philippines or when an eligible child's entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in § 3.40(b), (c), or (d) of this chapter, payments of special training allowance made after December 31, 1994, will be made at the rate of 50 cents for each dollar authorized.

(Authority: 38 U.S.C. 3532(d), 3542, 3565)

[35 FR 9814, June 16, 1970, as amended at 48 FR 37975, Aug. 22, 1983; 50 FR 19934, May 13, 1985; 57 FR 29799, July 7, 1992; 61 FR 29295, June 10, 1996; 63 FR 67779, Dec. 9, 1998; 66 FR 32228, June 14, 2001; 68 FR 34322, June 9, 2003; 68 FR 37206, June 23, 2003]

### SPECIAL ASSISTANCE AND TRAINING

#### § 21.3344 Special assistance for the educationally disadvantaged.

(a) *Enrollment.* VA may approve the enrollment of an eligible person in an appropriate course or courses at the secondary school level. This approval may be made only if the eligible person—

(1) Has not received a secondary school diploma (or an equivalency certificate);

(2) 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; and

(3) Is to pursue the course or courses in a State.

(Authority: 38 U.S.C. 3491(a), 3533)

(b) *Measurement.* VA will measure remedial, deficiency, or refresher courses offered at the secondary school level as provided in §§ 21.4270(a)(2) and 21.4272(k).

(Authority: 38 U.S.C. 3533)

(c) *Educational assistance.* VA will authorize educational assistance at the monthly rates specified in § 21.3131.

(Authority: 38 U.S.C. 3491(a), 3533)

(d) *Entitlement charge.* The provisions of § 21.3045 will determine whether VA will make a charge against the period of the entitlement of the eligible person because of enrollment in a course under the provisions of this section.

(Authority: 38 U.S.C. 3533)

(e) *Certifications.* (1) Certifications of the eligible person's need for deficiency or remedial courses in basic English language skills and mathematics skills may be made by:

(i) A VA counseling psychologist in the Vocational Rehabilitation and Employment Division;

(ii) The educational institution administering the course; or

(iii) The educational institution where the student has applied for admission.

(2) Certification of need for other refresher, remedial or deficiency course requirements are to be made by the educational institution—

(i) Administering the course which the eligible person is planning to enter; or

(ii) Where the eligible person has applied for admission.

(Authority: 38 U.S.C. 3533)

(f) *Basic skills.* Basic English language courses or mathematics courses will be authorized when it is found by accepted testing methods that the eligible person is lacking in basic reading, writing, speaking, or essential mathematics.

(Authority: 38 U.S.C. 3533)

[61 FR 26112, May 24, 1996]

### Subpart D—Administration of Educational Assistance Programs

AUTHORITY: 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

SOURCE: 31 FR 6774, May 6, 1966, unless otherwise noted.

#### ADMINISTRATIVE

#### § 21.4001 Delegations of authority.

(a) Except as otherwise provided, authority is delegated to the Under Secretary for Benefits and to supervisory or adjudicative personnel within the