Subpart M—Vocational Training and Rehabilitation for Vietnam Veterans’ Children With Spina Bifida

§ 21.8010 Vocational training program for certain Vietnam veterans’ children with spina bifida.

VA will provide an evaluation to a Vietnam veteran’s child who VA has determined under §3.814 of this title suffers from spina bifida. If this evaluation establishes that it is feasible for the child to achieve a vocational goal, VA will provide the child with the vocational training, employment assistance, and other related rehabilitation services authorized by this subpart that VA finds the child needs to enable the child to achieve a vocational goal, including employment.

(Authority: 38 U.S.C. 1804)

§ 21.8012 Definitions and abbreviations.

(a) Program-specific definitions and abbreviations. For the purposes of this subpart:

Child has the same meaning as §3.814(c) of this title provides.

Employment assistance means employment counseling, placement and post-placement services, and personal and work-adjustment training.

Institution of higher education has the same meaning that §21.4200 provides for the term institution of higher learning.

Program of employment services means the services a child may receive if the child’s entire program consists only of employment assistance.

Program participant means a child who, following an evaluation in which VA finds the child’s achievement of a vocational goal is reasonably feasible, elects to participate in a vocational training program under this subpart.

Spina bifida means any form and manifestation of spina bifida except spina bifida occulta.

Vietnam veteran has the same meaning as §3.814(c) of this title provides.

Vocational training program means the vocationally oriented training services, and assistance, including placement and post-placement services, and personal and work-adjustment training that VA finds necessary to enable the child to prepare for and participate in vocational training or employment. A vocational training program may include a program of education offered by an institution of higher education only if the program is predominantly vocational in content.

VR&C refers to the Vocational Rehabilitation and Counseling activity (usually a division) in a Veterans Benefits Administration regional office, the staff members of that activity in the regional office or in outbased locations, and the services that activity provides.

(Authority: 38 U.S.C. 101, 1801, 1802, 1804)

(b) Other terms and abbreviations. The following terms and abbreviations have the same meaning or explanation that §21.35 provides:

(1) CP (Counseling psychologist);
(2) Program of education;
(3) Rehabilitation facility;
(4) School, educational institution, or institution;
(5) Training establishment;
(6) Vocational goal;
(7) VRC (Vocational rehabilitation counselor);
(8) VRS (Vocational rehabilitation specialist); and
(9) Workshop.

(Authority: 38 U.S.C. 1801, 1804)

§ 21.8014 Application.

(a) Filing an application. To participate in a vocational training program, the child (or the child’s parent or guardian, an authorized representative, or a Member of Congress acting on behalf of the child) must file an application. An application is a request for an evaluation of the feasibility of the child’s achievement of a vocational goal and, if a CP or VRC determines that achievement of a vocational goal is feasible, for participation in a vocational training program. The application may be in any form, but it must:

(1) CP (Counseling psychologist);
(2) Program of education;
(3) Rehabilitation facility;
(4) School, educational institution, or institution;
(5) Training establishment;
(6) Vocational goal;
(7) VRC (Vocational rehabilitation counselor);
(8) VRS (Vocational rehabilitation specialist); and
(9) Workshop.
§ 21.8020 Entitlement Requirements

(a) Basic entitlement requirements. Under this subpart, for a child to receive vocational training, employment assistance, and related rehabilitation services and assistance to achieve a vocational goal (to include employment), the following requirements must be met:

(1) A CP or VRC must determine that achievement of a vocational goal by the child is reasonably feasible; and

(2) The child and VR&C staff members must work together to develop and then agree to an individualized written plan of vocational rehabilitation identifying the vocational goal and the means to achieve this goal.

(b) Time for filing. An application under this subpart may be filed at any time after September 30, 1997.

(Paperwork requirements were approved by the Office of Management and Budget under control number 2900-0579.)

(Authority: 38 U.S.C. 1801, 1804)

§ 21.8016 Nonduplication of benefits.

(a) Election of benefits—chapter 35. A child may not receive benefits concurrently under 38 U.S.C. chapter 35 and under this subpart. If the child is eligible for both benefits, he or she must elect in writing which benefit to receive.

(Authority: 38 U.S.C. 1804(e)(1))

(b) Reelections of benefits—chapter 35. A child receiving benefits under this subpart or under 38 U.S.C. chapter 35 may change his or her election at any time. A reelection between benefits under this subpart and under 38 U.S.C. chapter 35 must be prospective, however, and may not result in a child receiving benefits under both programs for the same period of training.

(Authority: 38 U.S.C. 1804(e)(1))

(c) Length of benefits under multiple programs—chapter 35. The aggregate period for which a child may receive assistance under this subpart and under 38 U.S.C. chapter 35 together may not exceed 48 months of full-time training or the part-time equivalent.

(Paperwork requirements were approved by the Office of Management and Budget under control number 2900-0579.)

(Authority: 38 U.S.C. 1804(e)(2))
§ 21.8022 Entry and reentry.

(a) Dates of entry. VA may not evaluate a child for a vocational training program before the later of the following dates:

(1) The date VA first receives an application for a vocational training program for the child; or

(2) October 1, 1997.

(Authority: 38 U.S.C. 1151 note, 1804, 1806)

(b) Reentry. If a child interrupts or ends pursuit of a vocational training program and VA subsequently allows the child to reenter the program, the date of reentrance will accord with the facts, but may not precede the date VA receives an application for the reentrance.

(Authority: 38 U.S.C. 1804)

§ 21.8030 Requirement for evaluation of child.

(a) Children to be evaluated. The VR&C Division will evaluate each child who:

(1) Applies for a vocational training program; and

(2) Has been determined under §3.814 of this title to suffer from spina bifida.

(Authority: 38 U.S.C. 1804(a))

(b) Purpose of evaluation. The evaluation has two purposes:

(1) To ascertain whether achievement of a vocational goal by the child is reasonably feasible; and

(2) If a vocational goal is reasonably feasible, to develop an individualized plan of integrated training, services, and assistance that the child needs to prepare for and participate in vocational training or employment.

(Authority: 38 U.S.C. 1804)

§ 21.8032 Evaluations.

(a) Scope and nature of evaluation. The scope and nature of the evaluation under this program will be comparable to an evaluation of the reasonable feasibility of achieving a vocational goal for a veteran under 38 U.S.C. chapter 31 and §§21.50(b)(5) and 21.53(b) and (d).

(Authority: 38 U.S.C. 1804(a))
§ 21.8070 Basic duration of a vocational training program.

(a) Basic duration of a vocational training program. The duration of a vocational training program, as §21.8020(e)(1) and (e)(2) provide, may not exceed 24 months of full-time training, services, and assistance or the
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part-time equivalent, except as §21.8072 allows.
(Authority: 38 U.S.C. 1804(d))

(b) Responsibility for estimating the duration of a vocational training program. While preparing the individualized written plan of vocational rehabilitation, the CP or VRC will estimate the time the child needs to complete a vocational training program.
(Authority: 38 U.S.C. 1804(c))

(c) Duration and scope of training must meet general requirements for entry into the selected occupation. The child will receive training, services, and assistance, as §21.8120 describes, for a period that VA determines the child needs to reach the level employers generally recognize as necessary for entry into employment in a suitable occupational objective.
(Authority: 38 U.S.C. 1804(c))

(d) Approval of training beyond the entry level. To qualify for employment in a particular occupation, the child may need training that exceeds the amount a person generally needs for employment in that occupation. VA will provide the necessary additional training under one or more of the following conditions:

(1) Training requirements for employment in the child's vocational goal in the area where the child lives or will seek employment exceed those job seekers generally need for that type of employment;

(2) The child is preparing for a type of employment in which he or she will be at a definite disadvantage in competing with nondisabled persons and the additional training will offset the competitive disadvantage;

(3) The choice of a feasible occupation is limited, and additional training will enhance the child's employability in one of the feasible occupations; or

(4) The number of employment opportunities within a feasible occupation is restricted.
(Authority: 38 U.S.C. 1804(c))

(e) Estimating the duration of the training period. In estimating the length of the training period the child needs, the CP or VRC must determine that:

(1) The proposed vocational training would not normally require a person without a disability more than 24 months of full-time pursuit, or the part-time equivalent, for successful completion; and

(2) The program of training and other services the child needs, based upon VA's evaluation, will not exceed 24 months or the part-time equivalent. In calculating the proposed program's length, the CP or VRC will follow the procedures in §21.8074(a).
(Authority: 38 U.S.C. 1804(d))

(f) Required selection of an appropriate vocational goal. If the total period the child would require for completion of an initial vocational training program in paragraph (e) of this section is more than 24 months, or the part-time equivalent, the CP or VRC must work with the child to select another suitable initial vocational goal.
(Authority: 38 U.S.C. 1804(d)(2))

§ 21.8072 Authorizing training, services, and assistance beyond the individualized written plan of vocational rehabilitation.

(a) Extension of the duration of a vocational training program. VA may authorize an extension of a vocational training program when necessary to provide additional training, services, and assistance to enable the child to achieve the vocational or employment goal identified before the end of the child's basic entitlement period, as stated in the individualized written plan of vocational rehabilitation under §21.8080. A change from one occupational objective to another in the same field or occupational family meets the criterion for prior identification in the individualized written plan of vocational rehabilitation.
(Authority: 38 U.S.C. 1804(d)(2), (e)(2))

(b) Extensions for prior participants in the program. (1) Except as paragraph (b)(2) of this section provides, VA may authorize additional training, limited to the use of remaining program entitlement including any allowable extension, for a child who previously participated in vocational training under this subpart. The additional training must:
§ 21.8080 Requirement for an individualized written plan of vocational rehabilitation

(a) General. A CP or VRC will work in consultation with each child for whom a vocational goal is feasible to develop an individualized written plan of vocational rehabilitation services and assistance to meet the child's vocational training needs. The CP or VRC will develop this individualized written plan of vocational rehabilitation in a manner comparable to the rules governing the development of an individualized written rehabilitation plan (IWRP) for a veteran for 38 U.S.C. chapter 31 purposes, as §§21.80, 21.84, 21.88, 21.90, 21.92, 21.94 (a) through (d), and 21.96 provide.

(b) Selecting the type of training to include in the individualized written plan of vocational rehabilitation. If training is necessary, the CP or VRC will explore a range of possibilities, to include paid and unpaid on-job training, institutional training, and a combination of on-job and institutional training to accomplish the goals of the program. Generally, a child's program should include on-job training, or a combination of on-job and institutional training, when this training:

(i) Be designed to enable the child to complete the prior vocational goal or a different vocational goal; and

(ii) Meet the same provisions as apply to training for new participants.

(2) A child who has previously achieved a vocational goal in a vocational training program under this subpart may not receive additional training under paragraph (b)(1) of this section unless a CP or VRC sets aside the child's achievement of that vocational goal under §21.8284.

(Authority: 38 U.S.C. 1804(d))

§ 21.8074 Computing the period for vocational training program participation.

(a) Computing the participation period. To compute the number of months and days of a child's participation in a vocational training program:

(1) Count the number of actual months and days of the child's:

(i) Pursuit of vocational education or training;

(ii) Receipt of extended evaluation-type services and training, or services and training to enable the child to prepare for vocational training or employment, if a veteran in a 38 U.S.C. chapter 31 program would have received a subsistence allowance while receiving the same type of services and training; and

(iii) Receipt of employment and post-employment services (any period of employment or post-employment services is considered full-time program pursuit).

(2) Do not count:

(i) The initial evaluation period;

(ii) Any period before the child enters a vocational training program under this subpart;

(iii) Days of authorized leave; and

(iv) Other periods during which the child will not pursue training, such as periods between terms.

(3) Convert part-time training periods to full-time equivalents.

(4) Total the months and days under paragraphs (a)(1) through (a)(3) of this section. This sum is the period of the child's participation in the program.

(Authority: 38 U.S.C. 1804(d))

§ 21.8070 Computing the period for vocational training program participation.

(a) General. A CP or VRC may approve extensions of the vocational training program the child is pursuing up to the maximum program limit of 48 months if the CP or VRC determines that the child needs the additional time to successfully complete training and obtain employment, and the following conditions are met:

(1) The child has completed more than half of the planned training; and

(2) The child is making satisfactory progress.

(Authority: 38 U.S.C. 1804(d))

(b) Responsibility for authorizing a program extension.

A CP or VRC may approve extensions of the vocational training program the child is pursuing up to the maximum program limit of 48 months if the CP or VRC determines that the child needs the additional time to successfully complete training and obtain employment, and the following conditions are met:

(Authority: 38 U.S.C. 1804(b))
§ 21.8082 Inability to complete individualized written plan of vocational rehabilitation or achieve vocational goal.

(a) Inability to timely complete an individualized written plan of vocational rehabilitation or achieve identified goal. After a vocational training program has begun, the VR&C case manager may determine that the child cannot complete the vocational training program described in the child’s individualized written plan of vocational rehabilitation within the time limits of the individualized written plan of vocational rehabilitation or cannot achieve the child’s identified vocational goal. Subject to paragraph (b) of this section, VR&C may assist the child in revising or selecting a new individualized written plan of vocational rehabilitation or goal.

(b) Allowable changes in the individualized written plan of vocational rehabilitation or goal. Any change in the child’s individualized written plan of vocational rehabilitation or vocational goal is subject to the child’s continuing eligibility under the vocational training program and the provisions governing duration of a vocational training program in §§21.8020(c) and 21.8070 through 21.8074.

(c) Change in the individualized written plan of vocational rehabilitation or vocational goal. (1) The individualized written plan of vocational rehabilitation or vocational goal may be changed under the same conditions as provided for a veteran under §21.94 (a) through (d), and subject to §21.8070 (d) through (f), if:

(i) The CP or VRC determines that achievement of a vocational goal is still reasonably feasible and that the new individualized written plan of vocational rehabilitation or goal is necessary to enable the child to prepare for and participate in vocational training or employment; and

(ii) Reentrance is authorized under §21.8084 in a case when the child has completed a vocational training program under this subpart.

(2) A CP or VRC may approve a change of vocational goal from one field or occupational family to another field or occupational family if the child can achieve the new goal:

(i) Before the end of the basic 24-month entitlement period that §21.8020(c)(1) describes; or

(ii) Before the end of any allowable extension under §§21.8020(c)(2) and 21.8072 if the new vocational goal in another field or occupational family was identified during the basic 24-month entitlement period.

(3) A change from one occupational objective to another in the same field or occupational family does not change the planned vocational goal.

(4) The child must have sufficient remaining entitlement to pursue the new individualized written plan of vocational rehabilitation or goal, as §21.8020 provides.

(Authority: 38 U.S.C. 1804(d))

(d) Assistance if child terminates planned program before completion. If the child elects to terminate the planned vocational training program, he or she will receive the assistance that §21.80(d) provides in identifying other resources through which to secure the desired training or employment.

(Authority: 38 U.S.C. 1804(c))

COUNSELING

§ 21.8100 Counseling.

A child requesting or receiving services and assistance under this subpart will receive professional counseling by VR&C and other qualified VA staff members, and by contract counseling providers, as necessary, in a manner comparable to VA’s provision of these services to veterans under the 38 U.S.C. chapter 31 program, as §§21.100 and 21.380 provide.

(Authority: 38 U.S.C. 1803(c)(8), 1804(c))
VOCATIONAL TRAINING, SERVICES, AND ASSISTANCE

§ 21.8120 Vocational training, services, and assistance.

(a) Purposes. A child eligible for a vocational training program may receive training, services, and assistance to enable the child to prepare for and participate in vocational training or employment.

(Authority: 38 U.S.C. 1804(b), (c))

(b) Training permitted. VA and the child will select vocationally oriented courses of study and training, completion of which usually results in a diploma, certificate, degree, qualification for licensure, or direct placement in employment. The educational and training services to be provided include:

(1) Remedial, deficiency, and refresher training; and

(2) Training that leads to an identifiable vocational goal. Under this program, VA may authorize all forms of programs that §§21.122 through 21.132 describe. This includes education and training programs in institutions of higher education. VA may authorize the education and training at an undergraduate or graduate degree level, only if the degree program is predominantly vocational in nature. For a child to participate in a graduate degree program, the graduate degree must be a requirement for entry into the child's vocational goal. For example, a master's degree is required to engage in social work. The program of training is predominantly vocational in content if the majority of the instruction provides the technical skills and knowledge employers generally regard as specific to, and required for, entry into the child's vocational goal.

(c) Cost of education and training services. The CP or VRC will consider the cost of training in selecting a facility when:

(1) There is more than one facility in the area in which the child resides;

(2) The child wishes to train at a suitable facility in another area, even though a suitable facility in the area where the child lives can provide the training. In considering the costs of providing training in this case, VA will use the provisions of §21.120 (except 21.120(a)(3)), §21.370 (however, the words ‘‘under §21.282’’ in §21.370(b)(2)(iii)(B) do not apply), and §21.372 in a manner comparable to that for veterans under the 38 U.S.C. chapter 31 program.

(Authority: 38 U.S.C. 1804(b), (c))

(d) Accessible courses not locally available. If suitable vocational training courses are not available in the area in which the child lives, or if they are available but not accessible to the child, VA may make other arrangements. These arrangements may include, but are not limited to:

(1) Transportation of the child, but not the child's family, personal effects, or household belongings, to another area where necessary services are available; or

(2) Use of an individual instructor to provide necessary training in a manner comparable to that for veterans under the 38 U.S.C. chapter 31 program, as §21.146 describes.

(Authority: 38 U.S.C. 1804(b), (c))

EVALUATION AND IMPROVEMENT OF VOCATIONAL POTENTIAL

§ 21.8140 Evaluation and improvement of vocational potential.

(a) General. A CP or VRC may use the services that paragraph (d) of this section describes to:

(1) Evaluate vocational training and employment potential;

(2) Provide a basis for planning:

(i) A program of services and assistance to improve the child's preparation for vocational training and employment; or

(ii) A vocational training program;

(3) Reevaluate the vocational training feasibility of a child participating in a vocational training program; and

(4) Remediate deficiencies in the child's basic capabilities, skills, or
§ 21.8210 Knowledge to give the child the ability to participate in vocational training or employment.
(Authority: 38 U.S.C. 1804(b))

(b) Periods when evaluation and improvement services may be provided. A CP or VRC may authorize the services described in paragraph (d) of this section, except those in paragraph (d)(4) of this section, for delivery during:
(1) An initial evaluation; or
(2) Pursuit of a vocational training program.
(Authority: 38 U.S.C. 1804(c))

(c) Duration of services. The duration of services needed to improve vocational training and employment potential, furnished on a full-time basis either as a preliminary part or all of a vocational training program, may not exceed 9 months. If VA furnishes these services on a less than full-time basis, the duration will be for the period necessary, but may not exceed the equivalent of 9 months of full-time training.
(Authority: 38 U.S.C. 1804(c))

(d) Scope of services. Evaluation and improvement services include:
(1) Diagnostic services;
(2) Personal and work adjustment training;
(3) Referral for medical care and treatment for the spina bifida or related conditions;
(4) Vocationally oriented independent living services indispensable to pursuing a vocational training program;
(5) Language training, speech and voice correction, training in ambulation, and one-hand typewriting;
(6) Orientation, adjustment, mobility and related services; and
(7) Other appropriate services to assist the child in functioning in the proposed training or work environment.
(Authority: 38 U.S.C. 1804(c))

(e) Applicability of chapter 31 rules on special rehabilitation services. The provisions of §21.140 do not apply to this subpart. Subject to the provisions of this subpart, the following provisions apply to the vocational training program under this subpart in a manner comparable to that for veterans under the 38 U.S.C. chapter 31 program:
§21.142(a) and (b); §21.144; §21.146; §21.148(a) and (c); §21.150 other than paragraph (b); §21.152 other than paragraph (b); §21.154 other than paragraph (b); and §21.156.
(Authority: 38 U.S.C. 1804(c))

SUPPLIES
§ 21.8210 Supplies.

(a) Purpose of furnishing supplies. VA will provide the child with the supplies that the child needs to pursue training, to obtain and maintain employment, and otherwise to achieve the goal of his or her vocational training program.
(Authority: 38 U.S.C. 1804(c))

(b) Types of supplies. VA may provide books, tools, and other supplies and equipment that VA determines are necessary for the child's vocational training program and are required by similarly circumstanced veterans pursuing such training under 38 U.S.C. chapter 31.
(Authority: 38 U.S.C. 1804(c))

(c) Periods during which VA may furnish supplies. VA may provide supplies to a child receiving:
(1) An evaluation;
(2) Vocational training, services, and assistance to reach the point of employability; or
(3) Employment services.
(Authority: 38 U.S.C. 1804(c))

(d) Other rules. The provisions of §§21.212 through 21.224 apply to children pursuing a vocational training program under this subpart in a comparable manner as VA provides supplies to veterans under 38 U.S.C. chapter 31, except the following portions:
(1) Section 21.216(a)(3) pertaining to special modifications, including automobile adaptive equipment;
(2) Section 21.220(a)(1) pertaining to advancements from the revolving fund loan;
(3) Section 21.222(b)(x) pertaining to discontinuance from an independent living services program.
(Authority: 38 U.S.C. 1804(c))
§ 21.8280 Effective date of induction into a vocational training program.

Subject to the limitations in §21.8022, the date a child is inducted into a vocational training program will be the date the child first begins to receive training, services, or assistance under an individualized written plan of vocational rehabilitation.

(Authority: 38 U.S.C. 1804(c), (d))

§ 21.8282 Termination of a vocational training program.

A case manager may terminate a child’s vocational training program for cause, including lack of cooperation, failure to pursue the individualized written plan of vocational rehabilitation, fraud, or administrative error. A child for whom a vocational goal is reasonably feasible remains eligible for the program subject to the rules of this subpart unless the child’s eligibility for or entitlement to a vocational training program under this subpart resulted from fraud or administrative error.

(a) Fraud. If a child establishes eligibility for or entitlement to benefits under this subpart through fraud, VA will terminate the award of vocational training and rehabilitation as of the date VA first began to pay benefits.

(b) Administrative error. If a child who is not entitled to benefits under this subpart receives those benefits through VA administrative error, VA will terminate the award of benefits as of the first day of the calendar month beginning at least 60 days after notifying the child of the proposed termination. This 60-day period may not result in the entrance of the child into a new quarter, semester, or other term of training unless VA has already obligated payment for the training.

(c) Lack of cooperation or failure to pursue individualized written plan of vocational rehabilitation. If reasonable VR&C efforts to motivate a child do not resolve a lack of cooperation or failure to pursue an individualized written plan of vocational rehabilitation, VA will terminate the award of benefits as of the first day of the calendar month beginning at least 60 days after notifying the child of the proposed termination. This 60-day period may not result in the entrance of the child into a new quarter, semester, or other term of training. VA will deobligate payment for training in the new quarter, semester, or other term of training.

(Authority: 38 U.S.C. 1804)

§ 21.8284 Additional vocational training.

VA may provide an additional period of training or services under a vocational training program to a child who has completed training for a vocational goal and/or been suitably employed under this subpart, if the child is otherwise eligible and has remaining program entitlement as provided in §21.8072(b), only under one of the following conditions:

(a) Current facts, including any relevant medical findings, establish that the child’s disability has worsened to the extent that he or she can no longer perform the duties of the occupation which was the child’s vocational goal under this subpart;

(b) The occupation that was the child’s vocational goal under this subpart is now unsuitable;

(c) The vocational training program services and assistance the child originally received are now inadequate to make the child employable in the occupation which he or she sought to achieve;

(d) Experience has demonstrated that VA should not reasonably have expected employment in the objective or field for which the child received vocational training program services and assistance; or
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(e) Technological change that occurred after the child achieved a vocational goal under this subpart now prevents the child from:

(1) Performing the duties of the occupation for which VA provided training, services, or assistance, or in a related occupation; or
(2) Securing employment in the occupation for which VA provided training, services, or assistance, or in a related occupation.

(Authority: 38 U.S.C. 1804(c))

§ 21.8286 Training resources.

(a) Applicable 38 U.S.C. chapter 31 resource provisions. The provisions of §21.146 and §§21.290 through 21.298 apply to children pursuing a vocational training program under this subpart in a comparable manner as for veterans under the 38 U.S.C. chapter 31 program, except as paragraph (b) of this section specifies.

(Authority: 38 U.S.C. 1804(c))

(b) Limitations. The provisions of §21.294(b)(1)(i) and (b)(1)(ii) pertaining to independent living services do not apply to this subpart. The provisions of §21.294(b)(1)(iii) pertaining to authorization of independent living services as a part of an individualized written plan of vocational rehabilitation apply to children under this subpart in a comparable manner as for veterans under the 38 U.S.C. chapter 31 program only to the extent §21.8300 allows.

(Authority: 38 U.S.C. 1804(c))

§ 21.8310 Rate of pursuit.

(a) General requirements. VA will approve a child’s pursuit of a vocational training program at a rate consistent with his or her ability to successfully pursue training, considering:

(1) Effects of his or her disability;
(2) Family responsibilities;
(3) Travel;
(4) Reasonable adjustment to training; and
(5) Other circumstances affecting the child’s ability to pursue training.

(Authority: 38 U.S.C. 1804(c))

(b) Continuous pursuit. A child should pursue a program of vocational training with as little interruption as necessary, considering the factors in paragraph (a) of this section.

(Authority: 38 U.S.C. 1804(c))

§ 21.8320 Authorization of services.

The provisions of §21.326, pertaining to the commencement and termination dates of a period of employment services, apply to children under this subpart in a manner comparable to that provided for veterans under the 38 U.S.C. chapter 31 program. References in that section to an individualized employment assistance plan IERP should be considered as referring to the child’s individualized written plan of vocational rehabilitation under this subpart.

(Authority: 38 U.S.C. 1804(c))

§ 21.8340 Leaves of absence.

(a) Purpose of leave of absence. The purpose of the leave system is to enable the child to maintain his or her status as an active program participant.

(Authority: 38 U.S.C. 1804(c))

(b) Basis for leave of absence. The VR&C case manager may grant the

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child leaves of absence for periods during which the child fails to pursue a vocational training program. For prolonged periods of absence, the VR&C case manager may approve leaves of absence only if the case manager determines the child is unable to pursue a vocational training program through no fault of the child.

(Authority: 38 U.S.C. 1804(c))

(c) Effect on entitlement. During a leave of absence, the running of the basic 24-month period of entitlement, plus any extensions thereto, shall be suspended until the child resumes the program.

(Authority: 38 U.S.C. 1804(c))

Satisfactory Conduct and Cooperation

§ 21.8360 Satisfactory conduct and cooperation.

The provisions for satisfactory conduct and cooperation in §§21.362 and 21.364, except as otherwise provided in this section, apply to children under this subpart in a manner comparable to the way they apply to veterans under the 38 U.S.C. chapter 31 program. If a child fails to meet these requirements for satisfactory conduct or cooperation, the VR&C case manager will terminate the child's vocational training program. VA will not grant a child re-entrance to a vocational training program unless the reasons for unsatisfactory conduct or cooperation have been removed.

(Authority: 38 U.S.C. 1804(c))

Transportation Services

§ 21.8370 Authorization of transportation services.

(a) General. VA shall authorize transportation services necessary for a child to pursue a vocational training program. The sections in subpart A of this part that are referred to in this paragraph (a) shall apply to children under this subpart in a manner comparable to the way they apply to veterans under the 38 U.S.C. chapter 31 program.

Transportation services include:

(1) Transportation for evaluation or counseling under §21.376;

(2) Intraregional travel under §21.370 (except that assurance that the child meets all basic requirements for induction into training will be determined without regard to the provisions of §21.282) and interregional travel under §21.372;

(3) Special transportation allowance under §21.154;

(4) Commuting to and from training and while seeking employment, subject to paragraphs (c) and (d) of this section.

(Authority: 38 U.S.C. 1804(c))

(b) Reimbursement. For transportation services that VA authorizes, VA will normally pay in arrears and in the same manner as tuition, fees, and other services under this program.

(Authority: 38 U.S.C. 1804(c))

(c) Payment for commuting expenses for training and seeking employment. VA may pay for transportation during the period of vocational training and the first 3 months the child receives employment services. VA may reimburse the child's costs, not to exceed $200 per month, of commuting to and from training and seeking employment if he or she requests this assistance and VA determines, after careful examination of the child's situation and subject to the limitations in paragraph (d) of this section, that the child would be unable to pursue training or employment without this assistance. VA may:

(1) Reimburse the facility at which the child is training if the facility provided transportation or related services; or

(2) Reimburse the child for his or her actual commuting expense if the child paid for the transportation.

(Authority: 38 U.S.C. 1804(c))

(d) Limitations. Payment of commuting expenses under paragraph (a)(4) of this section may not be made for any period when the child:

(1) Is gainfully employed;

(2) Is eligible for, and entitled to, payment of commuting costs through other VA and non-VA programs; or

(3) Can commute to school with family, friends, or fellow students.

(Authority: 38 U.S.C. 1804(c))
§ 21.8380  
(e) Documentation. VA must receive supportive documentation with each request for reimbursement. The individualized written plan of vocational rehabilitation will specify whether VA will pay monthly or at a longer interval.  
(Authority: 38 U.S.C. 1804(c))  

(f) Nonduplication. A child eligible for reimbursement of transportation services both under this section and under §21.154 will receive only the benefit under §21.154.  
(Paperwork requirements were approved by the Office of Management and Budget under control number 2900-0580.)  
(Authority: 38 U.S.C. 1804(c))  

ADDITIONAL APPLICABLE REGULATIONS  
§ 21.8380 Additional applicable regulations.  
The following regulations are applicable to children in this program in a manner comparable to that provided for veterans under the 38 U.S.C. chapter 31 program: §§21.380, 21.412, 21.414 (except paragraphs (c), (d), and (e)), 21.420, and 21.430.  
(Authority: 38 U.S.C. 1804, 5112)  

DELEGATION OF AUTHORITY  
§ 21.8410 Delegation of authority.  
The Secretary delegates authority for making findings and decisions under 38 U.S.C. 1804 and the applicable regulations, precedents, and instructions for the program under this subpart to the Under Secretary for Benefits and to VA supervisory or non-supervisory staff members.  
(Authority: 38 U.S.C. 512(a))  

PART 26—ENVIRONMENTAL EFFECTS OF THE DEPARTMENT OF VETERANS AFFAIRS (VA) ACTIONS  
Sec. 26.1 Issuance and purpose.  
26.2 Applicability and scope.  
26.3 Definitions.  
26.4 Policy.  
26.5 Responsibilities.  
26.6 Environmental documents.  
26.7 VA environmental decision making and documents.  
26.8 Assistance to applicants.  
26.9 Information on and public participation in VA environmental process.  
Source: 51 FR 37182, Oct. 20, 1986, unless otherwise noted.)  

§ 26.1 Issuance and purpose.  
The purpose of this part is to implement the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S.C. 4321-4370a), in accordance with regulations promulgated by the Council of Environmental Quality (CEQ Regulations, 40 CFR parts 1500-1508), and Executive Order 11514, March 5, 1970, as amended by Executive Order 11991, May 24, 1977. This part shall provide guidance to officials of the Department of Veterans Affairs (VA) on the application of the NEPA process to Department activities.  
(Authority: 42 U.S.C. 4321-4370a)  