

## § 21.5900

basis, VA will determine whether that individual is a full-time student by—

(i) Multiplying the credits earned in the term by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarter hours, and

(ii) Dividing the product by the number of whole weeks in the term.

(2) In determining whole weeks VA will—

(i) Divide the number of days in the term by 7;

(ii) Disregard a remainder of 3 days or less, and

(iii) Consider 4 days or more to be a whole week.

(3) If the number obtained by using the formula in paragraphs (b)(1) and (2) of this section is 12 or more, the individual is a full-time student. If that number is less than 12, the individual is a part-time student.

(c) *Credit hour measurement: graduate.*

(1) If it is the established policy of a school to consider less than 12 credit hours to be full-time for graduate students, VA will accept the statement of a responsible school official as to whether the student is a full-time or part-time student. If the school does not have such a policy, VA will measure the student's enrollment according to the provisions of paragraphs (a) and (b) of this section.

(2) VA will measure undergraduate courses required by the school according to the provisions of paragraphs (a) and (b) of this section, even though the individual is enrolled as a graduate student. If the individual is taking both graduate and undergraduate courses, the school will report the credit-hour equivalent of the graduate work. VA will first measure the undergraduate courses according to the provisions of paragraphs (a) and (b) of this section and combine the result with the credit-hour equivalent of the graduate work in order to determine the extent of training.

(d) *Clock hour measurement.* (1) If an individual enrolls in a course measured in clock hours and shop practice is an integral part of the course, he or she is a full-time student when enrolled in 22 clock hours or more per week with not more than a 2½ hour rest period allowance per week. For all other enrollments the individual is a part-time stu-

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dent. VA will exclude supervised study in determining the number of clock hours in which the individual is enrolled.

(2) If an individual enrolls in a course measured in clock hours and theory and class instruction predominate in the course, he or she is a full-time student enrolled in 18 clock hours or more per week. He or she is a part-time student when enrolled in less than 18 clock hours per week. Customary intervals not to exceed 10 minutes between classes will be included in measuring net instruction. Shop practice, rest periods, and supervised study are excluded. Supervised instruction periods in schools' shops and the time involved in field trips and individual and group instruction may be included in computing the clock hour requirements.

(Authority: 10 U.S.C. 2144(c))

### ADMINISTRATIVE

## § 21.5900 Administration of benefits program—chapter 107, title 10 U.S.C.

In administering benefits payable under Chapter 107, Title 10 U.S.C, VA will be bound by the provisions of the §§ 21.5700, 21.5800 and 21.5900 series of regulations.

(Authority: 10 U.S.C. 2144(c))

## § 21.5901 Delegations of authority.

(a) *General delegation of authority.* Except as otherwise provided, authority is delegated to the Under Secretary for Benefits and to supervisory or adjudication personnel within the jurisdiction of the Education Service of VA, designated by him or her to make findings and decisions under 10 U.S.C. chapter 107 and the applicable regulations, precedents and instructions concerning the program authorized by these regulations.

(Authority: 10 U.S.C. 2144(c))

(b) *Delegation of authority concerning the Civil Rights Act of 1984.* The Under Secretary for Benefits is delegated the responsibility to obtain evidence of voluntary compliance with title VI of

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the Civil Rights Act of 1964 from educational institutions and from recognized national organizations whose representatives are afforded space and office facilities under his or her jurisdiction. See part 18 of this title.

(Authority: 42 U.S.C. 2000)

[51 FR 27026, July 29, 1986, as amended at 62 FR 55761, Oct. 28, 1997]

### Subpart I—Temporary Program of Vocational Training for Certain New Pension Recipients

AUTHORITY: Pub. L. 98-543, 38 U.S.C. 501 and chapter 15, sections specifically cited, unless otherwise noted.

SOURCE: 53 FR 4397, Feb. 16, 1988, unless otherwise noted.

NOTE: This subpart includes regulations governing the determination of eligibility, and the services which may be provided to veterans under this program. The numbering of the regulations follows the numbering of regulations under 38 U.S.C. chapter 31 to the extent possible. Additional regulations affecting this program are found in part 3 and part 17, Title 38 Code of Federal Regulations.

#### GENERAL

#### § 21.6001 Temporary vocational training program for certain pension recipients.

This program provides certain veterans awarded pension with an evaluation and, if feasible, with vocational training, employment assistance and other services to enable them to achieve a vocational goal.

(Authority: 38 U.S.C. 1524, Pub. L. 100-687).

[55 FR 17271, Apr. 24, 1990]

#### § 21.6005 Definitions.

(a) *Temporary program.* The term *temporary program* means the program of vocational training for certain pension recipients authorized by section 1524, chapter 15, title 38 U.S.C.

(Authority: 38 U.S.C. 1524, Pub. L. 100-687).

(b) *Program period.* The term *program period* means the period beginning on February 1, 1985, and ending on December 31, 1992.

(Authority: 38 U.S.C. 1524(a)(4); Pub. L. 102-291).

(c) *Qualified veteran.* The term *qualified veteran* means—

(1) A veteran awarded disability pension during the program period; or

(2) A veteran who was awarded disability pension prior to the beginning of the program period on February 1, 1985, has been continuously in receipt of pension since that time, and is in receipt of pension on the date his or her claim for assistance under the vocational training program is received by VA.

(Authority: 38 U.S.C. 1524(a), Pub. L. 100-687).

(d) *Program participant.* The term *program participant* means a qualified veteran as defined in paragraph (c) of this section who, following an evaluation in which VA finds achievement of a vocational goal is reasonably feasible for the veteran, elects to participate in a vocational training program.

(Authority: 38 U.S.C. 1524(a), Pub. L. 100-687).

(e) *Vocational training program.* The term *vocational training program* means vocationally oriented services and assistance of the kind provided under chapter 31 of the title 38 U.S.C. and such other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for, and participate in, vocational training or employment.

(Authority: 38 U.S.C. 1524(b))

(f) *Employment assistance.* The term *employment assistance* means employment counseling and placement and postplacement services, and personal and work adjustment training.

(Authority: 38 U.S.C. 1524(d)(3))

(g) *Program of employment services.* The term *program of employment services* is used when the veteran's entire program is limited to employment assistance as that term is defined in paragraph (f) of this section.

(Authority: 38 U.S.C. 1524(b)(4))

(h) *Job development.* The term *job development* means comprehensive professional services to assist the individual veteran to actually obtain a suitable