§ 21.4267 Approval of independent study.

(a) Overview. Except as provided in §§ 21.4252(g), 21.7120(d), and 21.7622(f), VA may not pay educational assistance for a nonaccredited course which is offered in whole or in part by independent study. Hence, it is necessary to differentiate independent study from similar courses.

(b) Definition of independent study. (1) VA considers a course to be offered entirely by independent study when—
   (i) It consists of a prescribed program of study with provision for interaction between the student and the regularly employed faculty of the institution of higher learning. The interaction may be personally or through use of communications technology, including mail, telephone, videoconferencing, computer technology (to include electronic mail), and other electronic means;
   (ii) It is offered without any regularly scheduled, conventional classroom or laboratory sessions; and
   (iii) It is not a course listed in paragraph (c), (d), or (e) of this section.

(2) VA considers a course to be offered in part by independent study when—
   (i) It is not classified as one of the three types of courses listed in paragraph (c) of this section;
   (ii) It has some weeks when standard class sessions are scheduled; and
   (iii) It consists of independent study as defined in paragraph (b)(1) of this section during those weeks when there are no regularly scheduled class sessions.

(c) Scope of independent study. VA does not consider any of the following courses to be courses offered by independent study.

(1) A cooperative course as defined in § 21.4233(a);
(2) A farm cooperative course; or
(3) A course approved as a correspondence course.

(d) Undergraduate resident training. VA considers the following undergraduate courses to be resident training:

(1) A course which meets the requirements for resident institutional training found in § 21.4265(f);
(2) A course which requires regularly scheduled, standard class sessions at least once every two weeks and which has a total number of class sessions equal to the number of credit hours awarded for the course, times the number of weeks in a standard quarter or semester, as applicable;
(3) A course of student teaching; and
(4) Flight training which is an integral part of a standard undergraduate college degree.

(e) Graduate resident training. VA considers a graduate course to be resident training if the course—

(1) Is offered through regularly scheduled, conventional classroom or laboratory sessions; or
(2) Consists of research (either on campus or in absentia) necessary for the preparation of the student’s—
   (i) Master’s thesis,
   (ii) Doctoral dissertation, or
   (iii) Similar treatise which is prerequisite to the degree being pursued; or
(3) Consists of a combination of training as described in paragraphs (e)(1) and (e)(2) of this section.

(f) Course approval. A State approving agency may approve a course offered by independent study or a combination of independent study and resident training only if the course—
(1) Is accredited;
(2) Meets the requirements of § 21.4253; and
(3) Either—
   (i) Leads to a standard college degree; or
   (ii) For courses approved on or after December 27, 2001, leads to a certificate that reflects educational attainment offered by an institution of higher learning.

(Authority: 38 U.S.C. 3672, 3675, 3680A(a)(4))

(g) Remedial and deficiency courses. Remedial and deficiency courses offered by independent study cannot be approved.

(Authority: 38 U.S.C. 3672, 3675, 3680A(a)(4))

§ 21.4268 Approval of licensing and certification tests.

(a) Authority to approve licensing and certification tests. (1) Except for approval of the licensing and certification tests and the organizations or entities offering these tests that, as provided in § 21.4250(c), are VA’s responsibility, the Secretary of Veterans Affairs delegates to each State approving agency the authority, within the respective State approving agency’s jurisdiction provided in § 21.4250(a), to approve licensing and certification tests and to approve the organizations or entities offering licensing and certification tests.

(2) The Secretary of Veterans Affairs delegates to the Under Secretary for Benefits, and to personnel the Under Secretary for Benefits may designate in the Education Service of the Veterans Benefits Administration, the authority to approve the licensing and certification tests and the organizations or entities offering these tests that, as provided in § 21.4250(c)(2)(v), are VA’s responsibility.

(Authority: 38 U.S.C. 512(a), 3689(a)(2))

(b) Approval of tests. (1) If an organization or entity wants a licensing or certification test that it offers to be approved for payment of educational assistance, it must apply for approval to the State approving agency having jurisdiction over the locality where the organization or entity has its headquarters. The application must be in the form the State approving agency requires.

(2) In order to be approved for payment of educational assistance to veterans and eligible persons, a licensing or certification test must meet the requirements of paragraph (b) of this section, and the organization or entity offering the test must meet the requirements of paragraph (c) of this section and, if appropriate, the requirements of paragraph (d) of this section.

(i) The State approving agency may approve a licensing or certification test only if—
   (A) The test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or
   (B) The State approving agency decides that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

(ii) If a State or political subdivision of a State offers a licensing or certification test, the State approving agency will deem the test to have met the requirements of paragraph (b) of this section.

(iii) In considering whether the test is generally accepted, a State approving agency may consider the following:
   (i) The nature and number of the entities that recognize the certificate awarded to candidates who pass the test;
   (ii) The degree to which employers in the relevant industry accept the certification test;
   (iii) Whether major employers in an industry require that their employees obtain the certificate awarded to candidates who pass the test;
   (iv) The percentage of people employed in the vocation or profession who have taken the test and obtained the certificate; or