§ 21.290  
(i) To perform the duties of the occupation for which he or she trained, or in a related occupation; or  
(ii) To secure employment in the occupation for which he or she trained, or in a related occupation.

(Authority: 38 U.S.C. 3117)  

COURSE APPROVAL AND FACILITY SELECTION

§ 21.290 Training and rehabilitation resources.  
(a) General. For the purpose of providing training and rehabilitation services under Chapter 31 VA may:  
(1) Use facilities, staff and other resources of VA;  
(2) Employ any additional personnel and experts needed;  
(3) Use the facilities and services of any:  
(i) Federal agency;  
(ii) State agency;  
(iii) Other public agency; or  
(iv) Agency maintained by joint Federal and state contributions.  
(4) Use the facilities and services of any:  
(i) Public institution or establishment;  
(ii) Private institution or establishment; or  
(iii) Private individual.  
(b) Agreement required. Use of facilities and services provided under paragraph (a) of this section shall be procured through contract, agreement, or other cooperative arrangement. The specific requirements for use of contracts or other arrangements are described in 48 CFR 871.2.

(Authority: 38 U.S.C. 3115)  

§ 21.292 Course approvals.  
(a) Courses must be approved. Only those courses approved by the Department of Veterans Affairs shall be utilized to provide training and rehabilitation services under Chapter 31.

(Authority: 38 U.S.C. 3106)  
(b) General. VA staff in consultation with the veteran will select courses and services needed to carry out the rehabilitation plan only from those which VA determines are offered by a training or rehabilitation facility which:  
(1) Meets the requirements of §§21.120 through 21.162;  
(2) Meets the criteria of §§21.290 through 21.299; and  

(c) Obtaining information necessary for approval. In determining whether services and courses may be approved for a veteran’s training and rehabilitation under Chapter 31, the Department of Veterans Affairs may use information relevant to the approval or certification of such services and courses for similar purposes developed by:  
(1) The State approving agencies;  
(2) The Department of Labor;  
(3) State vocational rehabilitation agencies;  
(4) Nationally recognized accrediting associations;  
(5) The Committee on Accreditation of Rehabilitation Facilities; and  
(6) Other organizations and agencies.  
(d) Course not approved. If a course or program is not approved by one of the agencies identified in paragraph (c) of this section, VR&E staff shall develop necessary information to determine whether criteria given in paragraphs (a) and (b) of this section are met.  
(e) Course disapproved. The VR&E Officer may approve for 38 U.S.C. chapter 31 use courses that one of the agencies in paragraph (c) of this section has disapproved.

(Authority: 38 U.S.C. 3115)  
(1) Have space, equipment, instructional material and instructor personnel adequate in kind, quality, and amount to provide the desired service for the veteran;

(2) Fully accept the obligation to give the training or rehabilitation services in all parts of the plan which call for the facility’s participation;

(3) Provide courses or services which:

(i) Meet the customary requirements in the locality for employment in the occupation in which training is given when employment is the objective of the program; and

(ii) Meet the requirements for licensure or permit to practice the occupation, if such is required;

(4) Agree:

(i) To cooperate with VA, and

(ii) To provide timely and accurate information covering the veteran’s attendance, performance, and progress in training in the manner prescribed by VA.

(b) Selecting a facility for provision of independent living services. (1) Facilities offering independent living services will be utilized to:

(i) Evaluate independent living potential;

(ii) Provide a program of independent living services to veterans for whom an IILP (Individualized Independent Living Plan) has been developed; or

(iii) Provide independent living services to veterans as part of an IWRP (Individualized Written Rehabilitation Plan) or an IEEP (Individualized Extended Evaluation Plan).

(2) VA may use public and nonprofit agencies and facilities to furnish independent living services only if services comparable in effectiveness to those provided by for-profit agencies and organizations:

(i) Are not available through public or nonprofit agencies or VHA; or

(ii) Cannot be obtained cost-effectively from public or nonprofit agencies or VHA.

(4) In addition to the criteria described in paragraph (b)(3)(i) of this section for public and private nonprofit agencies; for-profit agencies and organizations must meet any additional standards established by local, state (including the State rehabilitation agency), and Federal agencies which are applicable to for-profit facilities and agencies offering independent living services.

(Authority: 38 U.S.C. 3115, 3120)

(c) Use of facilities. VA policy shall be to use VA facilities, if available, to provide rehabilitation services for veterans in a rehabilitation program under chapter 31. Non-VA facilities may be used to provide rehabilitation services only when necessary services are not readily available at a VHA facility. This policy shall be implemented in accordance with the provisions of paragraph (b) of this section in the case of the use of for-profit facilities to provide programs of independent living services, or in the case of employment services, provision of such services by non-VA sources is permitted under §21.252.

(Authority: 38 U.S.C. 3115)

(d) Selection of individual to provide training or rehabilitation services. Persons selected to provide individual instruction or other services as part of a program leading to the long-range goal of a veteran’s plan must meet one of the following criteria:

(1) State requirements for teaching in the field or occupation for which training is being provided; or

(2) Expertise demonstrated through employment in the field in which the veteran is to be trained; or

(3) Requirements established by professional associations to provide the services needed by the veteran.
§ 21.296 Selecting a training establishment for on-job training.

(a) Additional criteria for selecting a training establishment. In addition to meeting all of the requirements of §21.294 the training establishment must:

(1) Sign an agreement to provide on-job training to disabled veterans;

(2) Provide continuous training for each veteran without interruption except for normal holidays and vacation periods;

(3) Provide daytime training for the veteran except when the veteran cannot obtain necessary on-job or related training during the working hours of the day;

(4) Modify the program when necessary to compensate for the limitations resulting from the veteran’s disability or needs;

(5) Organize training into definite steps or units which will result in progressive training;

(6) Encourage rapid progress of each veteran rather than limit the progress of the individual to the progress of the group;

(7) Not, during the period of training, use the veteran on production activities beyond the point of efficient training;

(8) Agree to pay the veteran during training (except as provided in paragraph (b) of this section) a salary or wage rate:

(i) Commensurate with the value of the veteran’s productive labor,

(ii) Not less than that prescribed by the Fair Labor Standards Act of 1938, as amended, and

(iii) Not less than that customarily paid to nonveteran-trainees in the same or similar training situation;

(9) Agree to provide the veteran with employment at the end of the training program, provided the veteran’s conduct and progress have been satisfactory; and