§ 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.

(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 as:

(1) The State approving agencies;
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. Public and nonprofit facilities may be:
      (i) Veterans Health Administration (VHA) facilities that provide independent living services;
      (ii) Facilities which meet standards established by the State rehabilitation agency for rehabilitation facilities or for providers of independent living services;
      (iii) Facilities which are neither approved nor disapproved by the State rehabilitation agency but are determined by VA as able to provide the services necessary in an individual veteran’s case.

   (3) VA also may use for-profit agencies and organizations to furnish programs of 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.

(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.

(e) Relatives. Relatives of the veteran may not be selected to provide services, even if otherwise qualified, unless such use is specifically permitted by VA regulation governing provision of the service. Selection of a training or rehabilitation facility owned by the veteran or a relative, or in which the veteran or a relative of the veteran has an interest is prohibited, except for selection of a farm as provided in §21.298. The term relative has the same meaning as in §21.374.

(f) Contracts or agreements required. The Department of Veterans Affairs will negotiate formal contracts for reimbursement to providers of services as required by §21.262. However, a letter contract will be effected immediately to permit the induction of the veteran into a program if:
   (1) The veteran is immediately entered into a school with which a contract is required;
§ 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

(10) Agree to furnish VA a statement in writing showing wages, compensation, and other income paid directly or indirectly to each veteran in training under Chapter 31 during the month.

(Authority: 38 U.S.C. 3108(c), 3115)

§ 21.298 Selecting a farm.

(a) Control of the farm—farm operator. A farm selected for farm cooperative training must be under the control of