Department of Veterans Affairs

§ 21.3301 Need.

(a) Determination of need. When special restorative training has been requested or is being considered for an eligible person with a disability who is a child, spouse, or surviving spouse, a counseling psychologist or vocational rehabilitation counselor will obtain all information necessary to determine the need for and feasibility of special restorative training. After the counseling psychologist or vocational rehabilitation counselor completes this task, he or she will refer the case to the Vocational Rehabilitation Panel. The panel will consider whether—

(1) There exists a handicap which will interfere with pursuit of a program of education;
(2) The period of special restorative training materially will improve the child’s, spouse’s, or surviving spouse’s ability to:
(i) Pursue a program of education,
(ii) Pursue a program of specialized vocational training,
(iii) Obtain continuing employment in a sheltered workshop, or
(iv) Adjust in his or her family or community;
(3) The special restorative training may be pursued concurrently with a program of education;
(4) Training will affect adversely the child’s, spouse’s, or surviving spouse’s mental or physical condition;
(5) In the case of a child, whether it is in the best interest of the child to begin special restorative training after his or her 14th birthday; and
(6) The Department of Veterans Affairs:
(i) Has considered assistance available under provisions of State-Federal programs for education of individuals with disabilities; and
(ii) Has determined that it is in the eligible person’s interest to receive benefits under 38 U.S.C. chapter 35.

(b) Report. The Vocational Rehabilitation Panel will prepare a written report of its findings and recommendations as to the need for assistance and the types of assistance which should be provided. The report will be sent to the counseling psychologist or vocational rehabilitation counselor.

(c) Development and implementation. Following consultation with the panel and receipt of the panel’s report, the counseling psychologist or vocational rehabilitation counselor will prepare an individualized written plan comparable to a plan...
§ 21.3302 Special restorative training agreements and reports.

(a) Agreements to provide training. The Department of Veterans Affairs may make agreements with public or private educational institutions or others to provide suitable and necessary special restorative training for an eligible person.

(b) Tuition charge. When a customary tuition charge is not applicable, the agreement will include the fair and reasonable amounts charged for the training provided to the eligible person.

(c) Reports. Each educational institution or other provider of a course of special restorative training must report promptly the eligible person’s enrollment, interruption of, or termination of the course of special restorative training.

(Authority: 38 U.S.C. 501(a), 3543, 3680, 3684)

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