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Hello, and welcome to this training on Chapter 31-only courses of education or training. My name is Kathryn Upham, Policy Analyst and I will be reviewing some updates to our manual regarding the use of a Chapter 31-only course of education or training.

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Today, we will review the following objectives together: we will discuss the recent change on the use of a chapter 31-only course of education and training, how to identify Chapter 31-only courses of education and training and the programs included in Chapter 31-only courses, apply knowledge of the new guidance to manage current participants, recognize programs which are not included in the guidance, and, finally, where to locate additional information about Chapter 31-only courses of education and training.

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Public law 114-315 section 402 changed US Code 3104(b) to require we utilize programs that are currently approved by VA Education under Chapters 30 or 33. Congress’ intent in passing this law was to protect the interests of both the claimant and stakeholders by using State Approving Agencies to provide oversight and a rigorous approval process. The law tells us the Secretary can approve a ***waiver*** for a program or training not currently approved under education if needed under Chapter 31 to meet specific claimants’ needs. Following a recent opinion from the Office of General Counsel, we have updated our manual to reflect their guidance and to ensure the changes are followed. This guidance is that, specifically, the training must be approved individually for each claimant, and through the appropriate approval process for a course of education or training at the identified facility. We do not, nor have we ever, had the authority to approve a facility as a whole, only individual courses of education or training that a facility may offer. Education **also** does not have the authority to approve a facility as a whole. For example, your local community college has certain programs that are approved and certain programs that are not approved, such as the AA degree in Accounting but not the continuing education accounting certificate. We will discuss WEAMS more in a future slide.

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The recent changes were outlined in an emails sent to the field on 12/14/2022 and 2/2/23 and updated in the M28C on 2/15/2023. We must develop Rehabilitation Plans with courses of education and training approved under Chapter 30 or Chapter 33 to the maximum extent possible. Since there are so many programs already approved, it should be rare when a course cannot be identified. If, however, after an exhausted search, the VRC and claimant cannot identify a program that will meet their needs, then we can explore a Chapter 31-only course of education or training. A request for approval of the program is submitted individually for each claimant to Central Office. You must not develop your rehabilitation plan until the approval is received from VR&E Service. You can find more information in the M28C Part 4, Section C, Chapter 1.

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Chapter 31-only courses of education or training are courses that are not approved under Chapter 30 or Chapter 33, but *are*required for a Chapter 31 claimant to complete his or her rehabilitation program. These courses are utilized when a claimant is entering into an on-the-job training program, or when the VRC and claimant have done an exhaustive search of education programs approved for use by Chapter 30 or 33 and are unable to identify one that would best meet the claimant’s needs. 38 USC 3104(b)directs us to use programs approved by Chapter 30 or Chapter 33 to the maximum extent possible. However, there may be times a course is approved under Chapter 30 or chapter 33 in residence, but not online, and the VRC determines online is the appropriate method of training for the claimant. If you determine the online course best meets the claimant's needs, then you must submit approval to the Executive Director BEFORE you develop the rehabilitation plan.

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Important things to know include the need for an approval for each individual OJT, as well as individual approvals for education and training courses not approved by Chapter 30 or 33. The Web Enabled Approval Management System, also known as WEAMS, will list ‘ Chapter 31-only programs, however these cannot be utilized unless you receive individualized approval through VR&E Service. You will submit a packet for approval with the concurrence of your local leadership, followed by VR&E Service, prior to developing the IWRP. You must check WEAMS when developing any rehabilitation plan to ensure the training program you are selecting is approved by Chapter 30 or Chapter 33. Some well-known schools and universities will have some programs that are not currently approved, and some may be listed as Chapter 31-only. The VRC needs this information to make the best decision in educating their claimant on moving forward within the requirements of the law.

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In addition, if a VRC is exploring a Chapter 31 only course of education or training, they must complete the approval request process and submit to VR&E Service prior to development of the IWRP. Developing a rehabilitation plan prior to seeking the appropriate approval is no longer authorized. Some required documents include Appendices CP and CQ. An initial site visit will be required for each request, and if the course of training exceeds 12 months, an annual site visit will be needed per claimant. You can find this information in the M28C Part 4, Section C, Chapter 1. Further training will outline the approval process for submission to VR&E Service.

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Are there programs where Chapter 31-only courses of Education and training do not apply? Yes, there are a few instances when you don’t have to request approval for a Chapter 31-only course of education or training from the Executive Director. One instance is when a rehabilitation plan involves a Chapter 31-only specialized rehabilitation facility, to include a program of services and assistance to improve a claimant’s potential for vocational rehabilitation, such as work hardening or independent living program. This is outlined in CFR 21.140. Additionally, rehabilitation plans that include special employer incentive or non-paid work experience programs do not require an individual approval per claimant. Remember, you will still need to develop your plan with the approval of your local VREO and leadership team as outlined in M28C Part 4 Section C Chapter 1.02 e.

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You can find additional information, including steps to follow and the appendices needed for the site visit, checklists, and approval memo in the M28C, Part 4, Section C, Chapter 1. We will have subsequent training outlining the steps involved to complete a site visit, as well as submitting your packet for approval.

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Thank you for joining us for training today on Chapter 31-only courses of education or training. Today, we reviewed Public Law 114-315 and its impact on 38 USC 3104(b), as well as the Chapter in the VR&E manual where the updated guidance can be found. We reviewed that courses must be approved on an individual basis, and that the rehabilitation plan must be written following approval from VR&E service. Please know we are approving Chapter 31-only courses of education or training for individual claimants when there are no other facilities or courses already approved to meet their specific needs. Thank you for your time!