Veteran Readiness and Employment (VR&E)
Chapter 31 Only Programs of Training or Courses Approval Update

Procedural Advisory (PA) 20-05: Chapter 31 Only Programs of Training or Courses Approval Update

Purpose

This PA provides updated policy and procedural guidance concerning the approval of Chapter 31 only programs of training or courses, pertaining to Public Law (Pub.L.) 115-407, Pub.L. 115-251, and approving programs that have been withdrawn by Education Service (EDU).

Effective Date

The guidance in this PA is effective on the publication date.

Background

On September 29, 2018, President Trump signed the Department of Veterans Affairs Expiring Authorities Act of 2018, Pub.L. 115-251, into law. Section 301 of Pub.L. 115-251 amended 38 United States Code (U.S.C.) 3679(c) by extending the resident rate of tuition/fees (T&F) at all public Institutions of Higher Learning (IHL) to claimants using Chapter 31 benefits who reside in the State or U.S. Territory regardless if the claimant meets applicable residency requirements.

On December 31, 2018, President Trump signed the Veterans Benefits and Transition Act of 2018, Pub.L. 115-407, into law. Section 103 of Pub.L. 115-407, which pertains to individuals utilizing Chapter 31 or Chapter 33 benefits, amended 38 U.S.C. 3679 by adding (e) as a new subsection. As amended, 38 U.S.C. § 3679(e) details the following enrollment policies that are required for facilities to maintain their Veterans Affairs (VA) approval.

- Once a facility receives a valid VA authorization, such as a VR&E authorization for Chapter 31 purposes, the facility must allow a claimant to attend or participate in the approved course(s), while VA payment is pending, for a period of 90-days from the date the facility correctly bills the VA for T&F.
- Facilities must not impose any penalty, including the assessment of late fees; the denial of access to classes, libraries, or other institutional facilities; or require any claimant to borrow additional funds due to delayed T&F payments from the VA.

The Office of General Counsel clarified that facilities may prevent a claimant from participating in his or her approved courses, or from registering for subsequent terms, if T&F payment has not been received 90-days after the facility billed the VA for T&F. However, facilities are still prohibited from applying penalties, including charging late

fees, requiring a claimant to borrow additional funds, or preventing a claimant from utilizing an institution's facilities, even after the 90-day period has expired.

Summary of Changes

While VR&E Service worked with local VR&E staff to verify compliance with these laws, the appendices used in the approval of Chapter 31 only facilities were not revised to reflect the updated enrollment policy requirements and the resident rate of T&F requirement. VR&E Service recognizes that most Chapter 31 only facilities are not public IHLs; however, there are Chapter 31 only programs at these IHLs that must adhere to the resident rate of T&F requirement.

EDU also informed VR&E Service that VAF 22-1919, Conflicting Interests Certification for Proprietary Schools, must be completed by all private-for-profit and nonprofit IHLs and non-college degree programs. This form, however, is not required for public institutions, apprenticeships, on-the-job training, and non-paid work experience programs. Therefore, local VR&E staff must use the attached revised versions of Appendix CO, Checklist – Approval of Chapter 31 Only Programs of Training or Courses, Appendix CP, Memorandum for Approval of Ch31 Only Programs of Training or Courses, Appendix CQ, Chapter 31 Site Visit Report, and Appendix CR, Request for Assignment of a Facility Code, when submitting an approval request to the Executive Director of VR&E Service or a request to the Education Liaison Representative (ELR) for the assignment of a facility code.

Appendix CO previously indicated that local VR&E staff must request verification from the ELR, via email, that EDU has not withdrawn a prior approval for the institution or facility. Verifying that the approval was not previously withdrawn is still a requirement, however, local VR&E staff should verify this in the Web Enabled Approval Management System (WEAMS) directly. If local VR&E staff do not have access to WEAMS then an email verification from the ELR may be requested. Additionally, while 38 Code of Federal Regulations (CFR) 21.292(e) allows VR&E to approve programs that have been withdrawn by EDU, this serves as a policy clarification that previously withdrawn facilities are not eligible for Chapter 31 only approval. These programs must seek re-approval with their respective State Approving Agency under 38 U.S.C. Chapter 36, which includes Chapter 31, Chapter 30, Chapter 33 and the other education programs under EDU.

All other policies and procedures, addressed in M28R.V.B.2, remain in effect for the approval of Chapter 31 only programs of training or courses. These changes will be incorporated into the manual as soon as possible. The PA and attached documents are available on the Knowledge Management Portal (KMP) on the Policies and Guidance Page in the Policy Letters category under the Procedural Advisory subcategory.

The Field Liaison Team: VR&E Officers and Assistant VR&E Officers should direct inquiries to the primary field liaison in their district. The alternate liaison will address the

inquiry if the primary liaison is unavailable. All inquiries, regardless of the nature or scope, should be sent to the associated district mailbox listed below:

District	Primary	Alternate	E-mail
Northeast	Latrese Arnold (326-405,301); Qiana Smith (304-325,460)	Veronica Brown (only if Latrese and Qiana are not available)	vavbawas/co/vre/ne
Southeast	Veronica Brown	Latrese Arnold	vavbawas/co/vre/se
Continental	LeGuster Seawright	Lynn Horwatt	vavbawas/co/vre/cont
Pacific	Lynn Horwatt	LeGuster Seawright	vavbawas/co/vre/pa

Thank you,

VR&E Service

Attachments:
Appendix CO
Appendix CP
Appendix CQ
Appendix CR