

DATE: 07-18-90

CITATION: VAOPGCPREC 39-90
Vet. Aff. Op. Gen. Couns. Prec. 39-90

TEXT:

Subject: Payment of CLEP Test Administration Fees

(This opinion, previously issued as General Counsel Opinion 11-74, dated March 18, 1974, is reissued as a Precedent Opinion pursuant to 38 C.F.R. §§ 2.6(e)(9) and 14.507. The text of the opinion remains unchanged from the original except for certain format and clerical changes necessitated by the aforementioned regulatory provisions.)

QUESTION:

Whether authority exists for the Veterans Administration to provide funds to pay for the administration of College Level Examination Program (CLEP) tests to veterans eligible for GI Bill benefits.

COMMENTS:

Section 1681(a) of title 38, United States Code, provides, in part, that the Administrator shall have the authority to pay an educational assistance allowance to each eligible veteran who is "pursuing a program of education" under chapter 34 or title 38.

Section 1652(b) of title 38, in turn, defines a "program of education" as:

"... any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field ..."

It is our opinion that the mere taking of an examination to enable the veteran to obtain college credit does not meet the criteria of "pursuing a program of education" as required by title 38 and that payment of benefits to veterans for this purpose is not legally permissible.

HELD:

The utilization of College Level Examination Program (CLEP) tests by veterans eligible for GI Bill benefits would be legally permissible under the authority of section 1663 of title 38 where the objective of the examination is the counseling of a veteran to enable him to be placed in a program of education best suited for him. It would not be legally permissible, however, to authorize benefits for the administration of such a test for the purpose of enabling the counselee to obtain advanced credit, nor would it be legally permissible to authorize benefits for administration of a test for the purpose of enabling the counselee to be awarded a degree as the result of passing such an examination.

VETERANS ADMINISTRATION GENERAL COUNSEL
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