Veterans Affairs Canada | Anciens Combattants Canada

Educational Assistance Program

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Purpose

This policy provides direction on post-secondary education assistance available to children of Canadian Armed Forces Members and Veterans who die or died either as a result of military service or who die or died with a disability pension/award assessed at 48% or greater at the time of death.

Policy

General

1. The *Children of Deceased Veterans Education Assistance Act*, (CDVEAA) the legislative authority for the Education Assistance Program (EAP), was introduced in 1953 to provide assistance for higher education to children of certain deceased members of the armed forces.
2. In February 1995, the EAP was discontinued and removed for new applicants as a result of Budget legislation. The program was reinstated in November 2003.
3. The *Children of Deceased Veterans Education Assistance Regulations* (CDVEAR) provide for the payment of certain education costs, such as tuition and registration fees, up to a specified maximum amount per year to students who are defined in section 2 and are eligible to receive post-secondary education assistance under the CDVEAA.

Eligibility

4. Education costs may be paid to a surviving child of a deceased Veteran/member of the Forces who died as the result of military service or who, at the time of death:
    a. was receiving a disability pension of 48% or greater;
    b. was in receipt of a disability award at the 48% rate or greater; or
    c. was receiving a combination of both a disability pension and a disability award totalling 48% or greater.
5. Posthumous claims are those (disability pension, disability award, or a combination thereof) subsequently assessed at a rate of 48% or greater (see sections 48 or 49 of the *Pension Act* and sections 49, 50 or 57 of the *Veterans Well-being Act* (VWA). In these cases, the effective date for the EAP is the decision date of the new pension/award or the date the child's post-secondary education current academic year begins, whichever is later (paragraphs 4 and 5 should be read in conjunction with paragraphs 19 and 20).

Approval Criteria

6. A surviving child must apply to and enter the EAP before he/she attains the age of twenty-five (25) years. Students are not eligible for assistance until an application has been submitted and approved.
7. Students can receive educational assistance up to age thirty (30) if an initial application was approved before age twenty-five (25) and some progress or achievement was made toward the student's course of study for which the initial application was approved. Assistance under the program may continue to the end of the academic year in which the student attains the age of thirty.
8. Students who delay the onset of their post-secondary education and apply, for the first time, after attaining the age of twenty-five (25) years are ineligible to receive financial support from the EAP.
9. The child must be registered as a full-time student at an approved educational institution in Canada, as defined in section 2 of the CDVEAA. Determination of full-time status is normally the minimum requirement as defined by the institution, particularly for technical or vocational schools (for instance, the minimum requirement for full-time attendance of university or college courses is usually 3 courses, or 9 semester hours, per semester.
10. Students obtaining credits through Distance Learning may be eligible for the EAP if:
    a. they are full-time students; and
    b. the credits earned through the Distance Learning institution are transferable to an accredited Canadian university or college.
11. Where applicable, the EAP follows the same criteria for Course of Instruction, as outlined in the policies, Children Following a Course of Instruction and Definition of Dependent Child for the Purposes of Disabilty and Death Benefit (including: part-time and correspondence courses; on-the-job training; and cooperative work experience courses).

Costs Payable

12. The total period for which an allowance and education costs may be paid shall not exceed four academic years or 36 months, whichever is the lesser.
13. The costs of education, paid in respect of a student, are paid directly to the educational institution on an annual or biannual basis. These costs may include:
    a. tuition fees;
    b. instrument rental fees;
    c. library fees;
    d. registration fees;
    e. regular examination fees;
    f. student activity fees;

g. lab/field/activity course fees;
h. information technology fees; and
i. similar fees as specified in post-secondary institution calendars.

14. Costs not paid on behalf of a student include:
    a. fees for supplemental examinations or exams for repeated courses;
    b. fees for registration in professional organizations, associations or societies; and
    c. refundable caution money or deposits.
15. Scholarships, bursaries or grants awarded to the student but paid directly to, by, or on behalf of the institution must be applied against the student's total tuition (including other acceptable costs as noted in paragraph 13) when determining the maximum amount of allowable costs for which Veterans Affairs Canada (VAC) can make a contribution. In these instances, some or all of the costs for which VAC can make a contribution have already been paid to the institution and is not an expense for the student.
16. Scholarships, bursaries or grants awarded to the student but paid directly to the student (i.e. a cheque is made out to the student) will not be applied against VAC's contribution when determining the amount to be paid to the educational institution. In this instance, the tuition or other education costs have not been paid to the institution; the student is responsible for payment of tuition and other educational costs. Therefore, the student is eligible to receive the maximum contribution from the Department. At the time of application, the student will be expected to provide evidence that the financial award (i.e. scholarship, bursary, grant or award) was paid directly to him/her.
17. The maximum contribution per paragraph 5(3)(a) of the CDVEAR is adjusted annually in accordance with changes to the Consumer Price Index (CPI), per section 5.1 of the CDVEAR and section 9 of the CDVEAA.
18. *Pension Act* only: Students who have completed periods of education between February 28, 1995, and August 31, 2003, (and were under 25 years of age during this time) may apply for reimbursement of a maximum annual tuition of $1,500 for a maximum period of 4 academic years or 36 months, whichever is lesser. This amount remains constant and is not indexed according to increases in the CPI.

Funding Restrictions

19. Funding from the EAP is on a 'go-forward' basis. Students may make an application to the EAP prior to the academic year commencing or at any point during the educational semester or current academic year. Students are eligible to receive the maximum funding available for the full school year (e.g. first and second semester) upon receipt and approval of their application during the enrolled school year. Students who have already made payment to the educational institution must provide documentation and receipts before 'reimbursement' of educational costs for the current school year can be made to the student.
20. The EAP does not provide retroactive funding or the reimbursement of education costs to students who have already completed their academic studies for the past academic year(s) (exception paragraph 18).

Allowances

21. Eligible applicants may receive a basic monthly allowance, depending upon age, while attending a post-secondary institution, up until the week the student completes final exams for the academic term. The basic rate for this allowance applies to eligible children per section 75 and schedule II of the *Pension Act* and sections 50 or 57 of the *Veterans Well-being Act*.
22. The monthly allowance is not affected by any scholarships, grants, awards or bursaries awarded to the student.
23. The allowance is indexed annually according to increases in the CPI per sections 9 to 11 of the CDVEAA and section 4 of the CDVEAR.

24. *Pension Act* only: Students who have completed periods of education between February 28, 1995, and August 31, 2003, (and were under 25 years of age during this time) may apply for a monthly allowance of $167.47 for a maximum period of 4 academic years or 36 months, whichever is the lesser. This rate remains the same for the entire period covered; it is not indexed according to increases in the CPI.

Re-application and Program Continuation

25. At the end of each academic year, students who wish to continue their education and receive assistance from the EAP must reapply and submit to the Department an official transcript of marks.
26. Eligible students who take 'time off' from their post-secondary studies may reapply and receive assistance if they were previously approved and had received funding from the EAP prior to age twenty-five. Students may receive assistance up until age thirty.
27. Continuing assistance in the EAP is dependent upon the student meeting the rules and regulations of the post-secondary institution and the requirements for promotion to the next succeeding level of the full-time course of study or another full-time course of study.
28. Normally, if the student fails a year, he/she must repeat the year at his/her own expense. If the student fails to be promoted for reasons beyond his/her control (e.g. serious illness), upon proof of this reason, the Department has the discretion to continue benefits without the waiting period that normally occurs following a failed semester/year.

Request for Review

29. Students denied assistance may request a review by the Department.

Overpayments

30. If a student incurs an overpayment under the CDVEAA, the amount may be recovered from future payments that would normally be paid; or payments may be suspended, and the entire overpayment absorbed before any future payments are made. This overpayment may also be recovered from future payments made under the *Pension Act* or the *Veterans Well-being Act* (Refer to Financial Policy and Procedures Manual 3-5.3; Policy on Receivables Management - Collection of Debts by Voluntary Assignment and Set-Off).
31. If the overpayment is being recovered from future payments, the Finance Division of the Department will send a letter to the student providing him/her with 30 days to respond to the recovery of the overpayment. If this arrangement presents hardship to the student, a suitable cost recovery plan from future payments can be put in place.
32. If the student is no longer eligible to receive assistance from the EAP (e.g., failed to meet the requirements for promotion to the next succeeding level of the full-time course of study or discontinued attendance at the post-secondary institution and did not notify the Department) he/she is responsible for any outstanding overpayments (Refer to Financial Policy and Procedures Manual 3-5.2; Policy on Receivables Management - Collection of Accounts Receivable).

Tax Status

33. In April 2004, Canada Customs and Revenue Agency confirmed that payments made under the CDVEAA are tax exempt in accordance with paragraph 81(1)(d) of the *Income Tax Act*.

References

Children of Deceased Veterans Education Assistance Act

Pension Act, sections 33, 48, 49, 64, 65, 66 and 75; subsections 21(2), and 34(6); paragraphs 21(1)(b), and 21(1)(e); Schedule II

Veterans Well-being Act, sections 49, 50, 57, 88; subsections: 2(1), 76(1), and 99(2); Schedule III

Income Tax Act, paragraph 81(1)(d)

Children of Deceased Veterans Education Assistance Regulations

Award Regulations, section 7

Children Following a Course of Instruction

Definition of Dependent Child for the Purposes of Disabilty and Death Benefit