

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill  
3 No. 464 entitled “An act relating to the medical review process in the Reach  
4 Up program and Postsecondary Education Program eligibility” respectfully  
5 reports that it has considered the same and recommends that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. 33 V.S.A. § 1101 is amended to read:

9 § 1101. DEFINITIONS

10 As used in this chapter:

11 \* \* \*

12 (10) “Dependent child” means a child who is a resident of this State and:

13 (A) is under 18 years of age; or

14 (B) is 18 years of age or older who is a full-time student in a  
15 secondary school, or attending an equivalent level of vocational or technical  
16 training, and is reasonably expected to complete the educational program  
17 before reaching ~~19~~ 22 years of age or is not expected to complete the  
18 educational program before reaching ~~19~~ 22 years of age solely due to a  
19 documented disability.

20 \* \* \*



1 (f) The Commissioner shall disregard ~~no~~ not less than ~~\$50.00~~ **\$100.00** per  
2 month of child support payments in determining eligibility and benefit levels  
3 for participating families.

4 \* \* \*

5 Sec. 3. 33 V.S.A. § 1105 is amended to read:

6 § 1105. CHILD SUPPORT PAYMENTS

7 (a) A financial assistance case shall not be closed until child support  
8 payments, minus the first ~~\$50.00~~ **\$100.00** per month in such payments received  
9 on behalf of the family, in combination with other countable income, have  
10 exceeded the financial assistance payment standard in 12 consecutive calendar  
11 months.

12 (b) Notwithstanding any other provision of law, if financial assistance to a  
13 participating family is terminated due to receipt of child support, minus the  
14 first ~~\$50.00~~ **\$100.00** per month in such payments, that in combination with  
15 other countable income is in excess of the financial assistance cash payment  
16 standard, and the family again becomes eligible for financial assistance within  
17 the following 12 calendar months solely because the family no longer receives  
18 excess child support, financial assistance shall be paid as of the date of the  
19 family's reapplication.

20 **Sec. 4.** 33 V.S.A. § 1107 is amended to read:

21 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;



1 (a)(1) Each participating adult in a family applying for or receiving  
2 financial assistance shall comply with each Reach Up family development plan  
3 requirement provided for in the family development plan, unless good cause  
4 exists for such noncompliance as defined by the Commissioner by rule.

5 (2) The process of developing a family development plan shall include  
6 planning and engaging in goal achievement related to employment, training,  
7 and education; addressing obstacles to employment; following through with  
8 established steps to achieve goals; reviewing and revising goals as necessary;  
9 and setting new goals as each existing goal is achieved.

10 \* \* \*

11 **Sec. 6.** 33 V.S.A. § 1113 is amended to read:

12 § 1113. WORK REQUIREMENTS

13 (a) Each participating adult in a family receiving a financial assistance  
14 grant shall fulfill a work requirement in accordance with this section. Subject  
15 to the provisions of this chapter, and provided that all services required by this  
16 chapter are offered when appropriate and are available when needed to support  
17 fulfillment of the work requirement, an adult having a work requirement shall  
18 obtain employment or participate in one or more work activities, and shall  
19 work in accordance with the requirements of this section, in order to maintain  
20 continued eligibility for financial assistance and to avoid fiscal sanctions.

21 Adults shall participate in the process of planning and engaging in goal

1 achievement related to employment, training, and education; address obstacles  
2 to employment; follow through with established steps to achieve goals; review  
3 and revise goals as necessary; and set new goals as each goal is achieved.

4 \* \* \*

5 Sec. 7. 33 V.S.A. § 1114 is amended to read:

6 § 1114. DEFERMENTS, MODIFICATIONS, AND REFERRAL

7 \* \* \*

8 (b) The work requirements shall be either modified or deferred for:

9 \* \* \*

10 (5) A participant who is needed in the home on a full- or part-time basis  
11 in order to care for an ill or disabled parent, spouse, or child. In granting  
12 deferments, the Department shall fully consider the participant's preference as  
13 to the number of hours the participant is able to leave home to participate in  
14 work activities. ~~A deferral or modification of the work requirement exceeding~~  
15 ~~60 days due to the existence of illness or disability pursuant to this subdivision~~  
16 ~~shall be confirmed by the independent medical review of one or more~~  
17 ~~physicians, physician assistants, advanced practice registered nurses, or other~~  
18 ~~health care providers designated by the Secretary of Human Services prior to~~  
19 ~~receipt of continued financial assistance under the Reach Up program.~~

20 \* \* \*

1 (d) Absent an apparent condition or claimed physical, emotional, or mental  
2 condition, participants are presumed to be able-to-work. A participant shall  
3 have the burden of demonstrating the existence of the condition asserted as the  
4 basis for a deferral or modification of the work requirement. ~~A deferral or~~  
5 ~~modification of the work requirement exceeding 60 days due to the existence~~  
6 ~~of conditions rendering the participant unable to work shall be confirmed by~~  
7 ~~the independent medical review of one or more physicians, physician~~  
8 ~~assistants, advanced practice registered nurses, or other health care providers~~  
9 ~~designated by the Secretary of Human Services prior to receipt of continued~~  
10 ~~financial assistance under the Reach Up program.~~

11 \* \* \*

12 Sec. 8. 33 V.S.A. § 1122 is amended to read:

13 § 1122. POSTSECONDARY EDUCATION PROGRAM

14 \* \* \*

15 (b) The Program authorized by this section shall be administered by the  
16 Commissioner or by a contractor designated by the Commissioner. The  
17 Program shall be supported with funds other than federal TANF block grant  
18 funds provided under Title IV-A of the Social Security Act, except that the  
19 Commissioner may fund financial assistance grants and support services of  
20 families participating in the Postsecondary Education Program with TANF  
21 block grant or State maintenance of effort funds when ~~the~~ a participating

1 ~~adult's~~ parent's educational activities are a countable work activity under  
2 federal law and when it will further one or more of the purposes in subdivision  
3 1121(c)(1) of this title.

4 \* \* \*

5 (d) To be financially eligible to participate in the Postsecondary Education  
6 Program, the family's gross income minus ~~the~~ a participating parent's earnings  
7 shall not exceed 150 percent of the federal poverty level for the appropriate  
8 family size.

9 (e) All financially eligible families who apply to participate in the  
10 Postsecondary Education Program ~~will~~ shall be considered for admission,  
11 provided that they meet all of the following criteria:

12 (1) ~~No more than one parent per family may participate at the same~~  
13 ~~time.~~ [Repealed.]

14 (2) ~~If the participating parent is in a two-parent family, the~~  
15 ~~nonparticipating parent shall, if able to work, be working full-time; if able to~~  
16 ~~work part-time, shall be working at least the number of hours per week that he~~  
17 ~~or she has been determined able to work part-time; or, if unable to work, may~~  
18 ~~be unemployed.~~ [Repealed.]

19 (3)(A) ~~The~~ A participating parent has not already received a  
20 postsecondary undergraduate degree.



1           (B) ~~The~~ A participating parent has already received a postsecondary  
2 undergraduate degree, and the occupations for which it prepared ~~the~~ that  
3 participating parent are obsolete.

4           (C) ~~The~~ A participating parent, due to a disability, is no longer able  
5 to perform the occupations for which the degree prepared ~~him or her~~ that  
6 participating parent.

7           (D) The preparation for occupations that ~~the~~ a participating parent  
8 received through the postsecondary undergraduate degree is outdated and not  
9 marketable in the current labor market.

10          (4) ~~The~~ A participating parent shall be a matriculating student in a two-  
11 year or four-year degree program as provided for in the postsecondary  
12 education plan.

13          (5) ~~The~~ A participating parent has been determined to be eligible for  
14 financial assistance from the Vermont Student Assistance Corporation, and can  
15 demonstrate ~~that he or she has~~ the ability to cover tuition costs.

16          (6) ~~The~~ A participating parent agrees to limit employment to ~~no~~ not  
17 more than 20 hours per week when school is in session. The Department may  
18 establish exceptions by rule to allow ~~the~~ a participating parent to work more  
19 than 20 hours per week.

