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*Agency of Human Services*

May 28, 2024

Dear Members of the Legislative Committee on Administrative Rules:

In response to feedback received from Legislative Counsel, the Department for Children and Families (Department) proposes the following modifications to final proposed rule 24-P11, *Postsecondary Education Program Rules*:

- Sec. 2400(d)(1): Repword the sentence to read: “If program funds are insufficient to serve all eligible applicants, prioritization for admission to the PSE program will be governed by rule 2408.”
- Sec. 2401(a): Repword the sentence to read: ““The following definitions apply to the PSE program rules:”
- Sec. 2404(a): Delete “complete” before “application.”

In addition, the Department has made technical changes and corrected typographical errors throughout the rule. Attached to this letter, please find the annotated text reflecting these changes and an updated copy of the clean text.

Thank you,

Heidi Moreau  
Policy Advisor  
Department for Children and Families

**2400 Postsecondary Education (PSE)**

a. The postsecondary education (PSE) program is a solely state-funded (SSF) program to assist parents in eligible ~~low-income families~~ households to obtain two- or four-year postsecondary undergraduate degrees ~~in fields directly related to employment.~~

~~a.b.~~ The PSE program provides financial assistance, case management, and support services.

c. ~~In eligible two-parent families, only one parent at a time may participate in the PSE program and the second parent must be employed if able to work.~~ Eligibility is based on financial and non-financial criteria ~~(rules 2406 and 2407).~~

d. The PSE program is not an entitlement program. ~~Participation may be denied to because participation for eligible applicants meeting is limited to the eligibility criteria if availability of program funds are insufficient for all eligible applicants to participate.~~

1. If program funds are insufficient to serve all eligible applicants, ~~the priorities~~ prioritization for admission to the PSE program ~~established by these regulations~~ will be followed, governed by rule 2408.

e. ~~At the discretion of the commissioner,~~ The Department may fund certain ~~families'~~ household's PSE financial assistance with state funds claimed as Temporary Assistance for Needy Families (TANF) Maintenance of Effort (MOE) when such funding ~~meets the intent of~~ conforms to federal TANF regulations ~~law~~ and the ~~participating family~~ household is meeting the applicable Reach Up ~~federal~~ work requirement with hours in postsecondary education or other approved ~~federal~~ work activity.

**Section 2401 Definitions :**

~~A. Able to work: Free of any physical, emotional or mental condition that would prevent the individual from engaging in full-time employment.~~

~~B. Able to work part-time: Having a physical, emotional or mental condition that would allow the individual to engage in employment for at least 10 hours per week but would prevent the individual from engaging in employment for 35 or more hours per week.~~

~~C.~~

a. The following definitions apply to the PSE program rules:

1. "Applicant:" means a parent, who is applying for admission to the PSE program.

2. ~~D.~~ "Approved College:" includes the term "college" and means any institution of higher education ~~that is offering two-year or four-year postsecondary education degrees with priority given to those that are not for profit, including:~~

i. Those certified by the State Board of Education as provided in 16 V. S. A. §§§176 - 176a, ~~or any institution of higher education that is;~~

ii. Those accredited by the New England Association of ~~colleges~~ Schools and ~~secondary schools,~~ Colleges or a comparable accrediting agency, ~~or any institution;~~

iii. Those accredited by the Vermont State Board of Nursing as provided in 26 V. S. A. §§§1573-1574 and 1581-;

~~iv. "Approved college" shall also include any Any legally authorized technical school or institution, not including regional technical centers, that admits students, who have completed the twelfth grade or its equivalent, is legally authorized to provide a program of post-secondary or technical education designed to equip individuals for useful employment in recognized occupations and is and are~~ accredited by:

~~A. A nationally recognized accrediting agency or association or;~~

~~B. A state accrediting agency or association listed by the United States secretary of education pursuant to 20 U.S.C. §1085(c)(4) (P.L. 89-329) or by any other means of accreditation approved by the state board. It does not include regional technical centers or other institutions that do not offer two-year or four-year postsecondary education degrees.); or~~

~~C. As used in these regulations, the word "college" Any other means "of accreditation approved college." by the state board.~~

~~An approved college shall not include a college located more than 75 miles outside of "Department" means the Vermont border, except when the out-of-state college offers a program in a major in a field of study required to meet the applicant or participating parent's occupational goal and such program is:~~

~~—Not available within Vermont or the 75-mile limit; or~~

~~—Closer to the applicant/participating parent's place of residence than a program within Vermont or the 75-mile limits.~~

~~E. Case manager: As used in this rule, case manager means a person with that job title or other appropriate person designated to perform the case management function.~~

~~3. F. Commissioner: The commissioner of the Department for Children and Families or the commissioner's designee. (DCF).~~

~~G. Degree-related job: Any employment related to the occupation specified in the last approved PSE plan.~~

~~H.~~

~~"Dependent child" means a child who:~~

~~4. (1) is a Vermont resident of this state; and:~~

~~i. (2) Is under the age of 18 years; or~~

~~(3) Is 18 years of age or older and meets both of the following two criteria:~~

~~(a) is full-time student in a secondary school or attends attending an equivalent level of vocational or technical training; and~~

~~ii. (b) is reasonably expected to complete the educational program before reaching the age of 1922 or is not expected to complete it the educational program before reaching age 1922 solely due to a documented disability.~~

~~I. Family: The parent in a single parent family or both parents in a two parent family and all minor dependent children residing with, cared for by, and in the physical custody of the parent or parents full time or no less than 50 percent of the time if in accordance with a court approved shared custody agreement or order.~~

~~J.~~

~~5. "Family" means one or more dependent children living with one or both parents of such children.~~

~~1-6. "Field directly related to employment:" means a field of study in which where employers are most likely to seek PSE graduates to fill positions in the occupation specified in the participating parent's/participant's PSE plan.~~

~~i. Employers in this context refer to entities that employ individuals in this the PSE participant's occupation at sites located in the labor market area in which the participating parent plans where they plan to seek employment.~~

~~7. K. "Full-time:" means forty (40) hours of work per week or a position requiring no fewer than thirty-five (35) hours of work per week that the employer defines as full-time.~~

~~L. Good Academic Standing: Satisfactory academic progress as determined by the academic policies of the college the participating parent is attending.~~

~~8. M. "Labor Market Area:" means the geographic area used for this purpose by the Vermont Department of Labor, or the comparable agency in another state, if the participating parent/PSE participant intends to seek employment out-of-state.~~

~~9. N. "Making Progress Toward a Degree:" means an academic record of the participating parent/PSE participant, during the first half of the parent's/their participation in the program, that demonstrates the likelihood the parent/they will be able to:~~

~~i. (1) Complete satisfactorily/Satisfactorily complete the college's general requirements for attainment of a two-year or four-year postsecondary undergraduate degree and the specific requirements for completion of the field of study specified in the PSE plan; and~~

~~ii. (2) Complete these requirements within the schedule in the PSE plan for completion of the degree, taking into consideration modifications or extensions approved in accordance with 2406- rule 2421.~~

~~Continuation in the program during the last half of the parent's schedule of participation shall be contingent upon an academic record that clearly demonstrates the likelihood that the requirements cited above will be met.~~

~~10. O. "Matriculating or Matriculated Student: An" means:~~

~~i. A PSE applicant, who is attending, or has been accepted at or has applied to and registered for classes at a two-year or four-year postsecondary undergraduate degree program. An; or~~

~~ii. A PSE applicant, who plans to attend the Community College of Vermont (CCV) and provides has completed the CCV application and the federal financial aid application and:~~

~~A. Provided prior transcript with college level course success;~~

~~B. Provided documentation of completion of the CCV basic skills assessment and the College Readiness Assessment with no requirement to take basic skills courses or, when this requirement applies,; or~~

~~C. Provided documentation of the successful completion of these courses; and completion of a financial assistance application shall be considered a matriculated student. basic skills courses.~~

~~11. P. "Occupation:" means a specific job title or cluster of related job titles, as listed in the *Dictionary of Occupational Titles*, the *Occupational Information Network*, the *Occupational Outlook Handbook*, or other relevant employment-related services or publications.~~

~~12. Q. "Parent: A biological parent," means the same as in 15C V.S.A. § 102(16) or a stepparent, or adoptive parent, as defined by state law, who has physical custody of and resides in the same household with a dependent child full time or no less than 50 percent of the time if in accordance with a court-approved shared custody agreement or order , pursuant to Reach Up Eligibility rule 2224.~~

i. This term includes individuals who have entered into civil unions.

ii. This term does not include a pregnant womenperson or caretaker relatives who are not a "parent" within the definition above.

~~R. Participating Parent:~~

~~13. "PSE Household" means a family with a PSE participant.~~

~~14. "PSE Participant" means a parent who is receiving financial assistance and/or, case management and/or support services through the PSE program. In a two-parent family, it is the parent who is pursuing postsecondary undergraduate degree in a PSE household.~~

~~S. Participating Family: A family in which one parent is a participating parent.~~

~~15. T. "Postsecondary education (PSE):" means courses taken at an approved college by a matriculated or matriculating student in a two-year or four-year postsecondary undergraduate degree program.~~

~~U. Postsecondary education program (PSE program): A state-funded program of financial assistance, case management, and support services to assist parents in eligible families to obtain two-year or four-year postsecondary undergraduate degrees in fields of study directly related to employment.~~

~~V. Unable to work: Not "able to work" and not "able to work part time."~~

~~Section 2402 Americans with Disabilities Act.~~

~~As required by the Americans with Disabilities Act, the Department for Children and Families shall make reasonable modifications to its policies, practices and procedures when modifications are necessary, as determined by the commissioner, or the commissioner's designee, to avoid discrimination on the basis of disability. An applicant or participating parent may appeal a determination of the commissioner or the commissioner's designee to the Human Services Board, in accordance with departmental regulations governing appeals.~~

~~Section 2410 Initial Eligibility.~~

~~(03/01/2017, 17-02)~~

~~A.~~

16. "Satisfactory Academic Standing" means achieving the requirements determined by the academic policies of the college the PSE participant is attending.

#### **2402 Eligibility Process**

a. The eligibility process for PSE consists of the following steps an applicant takes to request benefits and the Department follows to determine eligibility and payments:

1. An application is needed to determine whether the applicant meets the financial and non-financial eligibility requirements for the PSE program, which includes:

i. Verification of necessary information related to eligibility conditions; and

ii. An interview to clarify information provided on the application, review of the rights and responsibilities of PSE participants and the Department, and an explanation of available case management services.

2. Agreement by all applicants to certain non-financial eligibility requirements that are specific to the PSE program;

3. Pre-PSE participation services may be provided to the PSE applicant, which include consultation with a case manager, assistance with the application and development of the PSE plan (rule 2406).

4. Department approval of the PSE plan;

5. Determination of initial or continuing financial and case management eligibility and the amount of PSE benefits;

6. Written notice to applicants and participants of eligibility decisions;

7. Authorization and payment of benefits for which applicants and participants are found eligible; and

8. Case manager assignment by the Department.

#### **2403 Application**

a. A signed PSE application is required to request PSE financial assistance and services.

b. Such application may be obtained online or by calling, writing, or visiting any of the Department's offices.

c. Assistance in completing all parts of the application shall be available through Department district offices, pursuant to rule 2407.

#### **2404 Financial Eligibility**

a. To proceed with the application process, the Department must first determine that the applicant meets the requirements for financial eligibility for the PSE program.

- ~~b. The applicant shall complete a financial eligibility application, including provision of documentation to support a determination of financial eligibility.<sup>1</sup>.~~
- ~~c. Applicants for PSE benefits must meet the same financial eligibility qualifications as Reach Up applicants according to Reach Up Eligibility rules.
  - ~~1. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to PSE recipients.~~~~
- ~~d. PSE benefits shall be accepted in lieu of Reach Up benefits, if the PSE participant is eligible for Reach Up benefits.
  - ~~1. PSE participants currently receiving Reach Up benefits through vendor payments, due to difficulty in money management (Reach Up Eligibility rule 2220.1), must consent to continued vendor payments until such time as the household's essential expenses are current.~~~~
- ~~e. PSE participants who receive PSE benefits shall assign all child support rights to the Department.
  - ~~1. The PSE participant shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support.~~
  - ~~2. The Department shall deny or terminate benefits to PSE participants who fail or refuse to apply for services from OCS.~~
  - ~~3. Noncooperation with OCS shall result in a 25% reduction of the PSE household's benefit (Reach Up Eligibility rule 2232.2).~~~~

#### **2404.1 Financial Eligibility Determination**

- ~~a. Applicants shall demonstrate financial eligibility for the thirty-day period preceding the date of application.~~
- ~~b. <sup>2</sup>Gross income shall be the basis for determining financial eligibility for the PSE program.~~
- ~~c. <sup>3</sup>Verification of income shall be provided in accordance with ~~the~~ Reach Up ~~program regulations.~~ Eligibility rules 2208.3.~~
- ~~d. <sup>4</sup>The ~~family's~~household's gross income minus the ~~participating parent's~~PSE participant's earnings shall not exceed 150 percent of the federal poverty level for ~~a family of the applicant~~ ~~family's~~the applicant's household size.~~
- ~~5. Gross Income shall be determined using Reach Up rules.~~
- ~~B. Financial Eligibility for PSE Financial Assistance~~
- ~~e. Applicants for financial assistance must meet the same financial eligibility qualifications as Reach Up applicants according to Reach Up financial Eligibility rules. The 60-month time limit (rule 2238) does not apply to PSE recipients. 2248 - 2249.~~
- ~~C. Financial Eligibility for Case Management Services~~
  - ~~1. All applicants who qualify for financial assistance automatically meet financial eligibility for case management services.~~

~~2. All applicants who qualify for financial assistance and subsequently are not eligible for financial assistance due to a change in circumstances continue to be eligible for case management during the program year in which the loss occurred and until the date of their next annual review provided they meet all the criteria at 2402.1.C.~~

~~3. Applicants who qualify for participation in the program, but do not qualify for PSE financial assistance may receive case management services~~

#### **D.2405 Non-Financial Eligibility**

a. All financially eligible ~~families who~~ households that apply to participate in the postsecondary education program ~~shall be considered for admission, pursuant to the~~ must meet the following non-financial eligibility conditions:

~~1. The applicant has the literacy skills necessary to participate successfully in the PSE program.~~

~~2. The applicant has a PSE plan that has been approved by the PSE plan review committee.~~

~~3. Only one parent per family may participate in the PSE program at the same time. For purposes of this condition, family includes two parents who live apart, but equally share physical custody of their child(ren).~~

~~4. In a two-parent family, the non-participating parent shall:~~

~~a. Be employed full time, if able to work;~~

~~b. Be employed part time, if able to work part time; or~~

~~c. Be unable to work.~~

~~1. 5-~~ The applicant does not have a postsecondary undergraduate degree or, if the applicant already has a pre-existing postsecondary undergraduate degree, must meet the criteria in rule 2405.2.

~~a. The occupations for which it prepared the applicant are obsolete, as determined by the commissioner or the commissioner's designee (see 2403.7.B);~~

~~b. The applicant can no longer perform the occupations for which the degree prepared him or her due to a disability, as determined by the commissioner or the commissioner's designee (see 2403.7.A); or~~

~~c. The preparation for occupations received by the applicant through the postsecondary undergraduate degree is outdated and not marketable in the current labor market, as determined by the commissioner or the commissioner's designee (see 2403.7.B).~~

~~2. 6-~~ The applicant is a matriculating or matriculated student in a two-year or four-year postsecondary undergraduate degree program as specified in the applicant's PSE plan or a CCV applicant and provides the required documentation in rule 2401(09).

~~1.3.~~ Applicants who have applied to but have not yet been admitted to a postsecondary undergraduate degree program shall not be eligible for the PSE program until they provide documentation of admission.

~~4. 7-~~ The applicant has been determined eligible for financial assistance from Vermont Student Assistance Corporation (VSAC), provides documentation of this eligibility, and can demonstrate the ability to cover tuition costs.



~~2.5.8.~~ The applicant agrees to limit employment to no more than 20 hours per week when school is in session.

i. At the ~~parent's~~ PSE participant's request, an exception to the 20-hour limitation may be granted when the case manager has determined that both of the following requirements are met:

A. a. The increase in hours will not delay the ~~student's~~ student's progress or timeframe in obtaining the degree; and

B. b. The additional hours of employment are in a position that either will result in credits toward the ~~participant's~~ PSE participant's degree or enhance ~~the student's~~ their marketability in the field or ~~her or his~~ their course of study.

~~9.~~ The

C. This 20-hour ~~limit~~ limitation on hours of ~~work per week shall be applied as follows~~ employment shall not apply during vacations, periods between terms or semesters, summer sessions, periods in these which the PSE participant has been granted an exception, or any other term in which they are not taking any courses.

6. Applicants/participants are not permitted additional hours of employment when school is in session if they are providing care in the following special situations:

i. a. Single-parent applicants ~~providing~~ /participants shall be considered to be employed 20 hours per week when they are providing:

A. Specialized foster care;

B. Professional parenting, or the equivalent to children in the custody of the Department ~~for Children and Families (DCF);~~ or

C. Professional parenting, or the equivalent to children not in ~~DCF~~ the Department's custody but placed in foster care by a licensed child placement agency and receiving additional compensation for those services ~~shall be considered to be employed 20 hours per week. No additional employment shall be permitted when school is in session.~~

ii. b. An applicant /participant, who is the contracted developmental home provider for an individual placed by the Department of Disabilities, Aging, and Independent Living (DAIL) or a developmental or mental health services agency under contract with DAIL, shall be considered to be employed ~~for more than~~ 20 hours per week.

~~10.~~ Participating families who are eligible for Reach Up financial assistance agree to accept PSE program financial assistance in lieu of a Reach Up financial assistance grant.

7. 11. The applicant and the applicant's family household are Vermont residents- (Reach Up Eligibility rule 2229).

8. 12. The ~~participating parent~~ PSE participant continues to reside with and have physical custody of a dependent child.

- ~~9. 13.~~ If the applicant already is engaged in a two-year or four-year postsecondary undergraduate degree program at the time of application, the applicant is in good academic standing and ~~a member in good standing.~~ provides documentation.

~~Section 2411 Continuing Eligibility.~~

~~The Department for Children and Families shall conduct an annual review to determine continuing financial and non-financial eligibility for the PSE program and to determine the amount of any financial assistance. The annual review shall take place within the ninety-day period prior to the beginning of each academic term that marks an anniversary of the participating parent's participation in the PSE program.~~

~~A. Financial Eligibility for Financial Assistance~~

~~Continuing financial eligibility for financial assistance is determined using Reach Up financial eligibility rules governing reported changes of circumstances when they occur and at the annual review.~~

~~B. Financial Eligibility for Case Management Services~~

- ~~1. Participants who qualify for continuing financial assistance automatically meet financial eligibility for continuing case management services.~~
- ~~2. Participants who qualify for financial assistance and subsequently are not eligible for financial assistance due to a change in circumstances continue to qualify for case management services during the program year in which the loss occurred and until the date of their next annual review provided they meet all the criteria at 2402.1.D.~~
- ~~3. Participants who qualify for program participation by meeting the requirements of 2402.1 using income from the calendar year preceding the date of the annual review, but do not qualify for financial assistance may receive case management services.~~

~~C. Non-Financial Eligibility~~

- ~~1. The participating parent's PSE plan shall be reviewed and revised, as needed.~~
- ~~2. In a two-parent family, the nonparticipating parent shall:
  - ~~a. Be employed full time, if able to work;~~
  - ~~b. Be employed part time, if able to work part time; or~~
  - ~~c. Be unable to work~~~~
- ~~3. The participating parent remains eligible for financial assistance from VSAC, which includes maintaining satisfactory academic standing as defined by the college, and continues to demonstrate the ability to cover tuition costs.~~
- ~~4. The participating parent agrees to limit employment to no more than 20 hours per week when school is in session in accordance with the initial eligibility rules at 2402.1.D.8-9 governing the 20-hour limit.~~
- ~~5. Participating families who are eligible for Reach Up financial assistance shall agree to accept PSE program financial assistance in lieu of a Reach Up financial assistance grant.~~
- ~~6. The participating parent and participating family are residents of Vermont.~~
- ~~7. The participating parent is in good academic standing and making progress toward a degree.~~
- ~~8. The participating parent is a member in good standing at the college she or he attends.~~

~~Section 2420 General Application Requirements.~~

~~A. Applications and assistance, pursuant to 2409, in completing all parts of the application shall be available at decentralized locations statewide.~~

~~B. Initial entry into the PSE program must begin in the fall or spring academic term, unless the applicant is a matriculated or matriculating student in an approved college that does not operate on a traditional semester basis.~~

~~C. To be considered for admission into the PSE program, the applicant's complete financial eligibility application and necessary supporting documentation must be submitted to the commissioner within 30 days after the close of the application period.~~

~~Section 2421 Application Periods:~~

~~(03/01/2017, 17-02)~~

~~A. Applicants may apply for admission to the PSE program no earlier than 180 days prior to the beginning of the academic term in which the applicant plans to take postsecondary education courses, and no later than thirty days prior to the end of the academic term in which the applicant is currently taking postsecondary education courses.~~

~~B. For each academic term (spring and fall), the number of applications accepted for determination of eligibility (target number) shall be no greater than three times the anticipated number of openings in the PSE program. The target number and the anticipated number of openings for each application period shall be determined by the commissioner.~~

~~The application period shall close when the target number is reached.~~

~~Section 2422 Financial Eligibility:~~

~~A. In order to proceed with the complete application process, an applicant must first be determined to meet the requirements for financial eligibility for the PSE program.~~

~~B. The applicant shall complete a financial eligibility application, including provision of documentation to support a determination of financial eligibility.~~

~~C. Written notice of the decision on the financial eligibility application shall be given to the applicant within 20 days of the date the signed financial eligibility application was received. The notice shall include information on the applicant's appeal rights, and if the financial eligibility application is denied, the reasons for the denial.~~

~~D. Upon determination that an applicant meets the requirements for financial eligibility for the PSE program, the applicant may proceed with the application process as detailed in 2403.4-2403.10.~~

~~Section 2423 Documentation:~~

~~All applicants must provide the following documentation as part of the application process:~~

~~A. Documentation of full-time employment of non-participating parent, or if unable to work or able to work part-time, of compliance with the requirements of 2403.6 A. or B.~~

~~B. Documentation that applicant is a matriculating or matriculated student in a two-year or four-year postsecondary undergraduate degree program. Applicants who have applied to but have not yet been admitted to a postsecondary undergraduate degree program shall not be eligible for the PSE program until they provide documentation of admission. For applicants who plan to attend CCV, documentation that the applicant has completed the CCV basic skills assessment and is not~~

~~required to take basic skills courses or, if required to do so, has completed these courses successfully; and has completed a financial assistance application shall be considered documentation of admission.~~

~~C. Documentation that the applicant is in good academic standing and a member in good standing if the applicant is already attending college.~~

~~D. Documentation of eligibility for financial assistance from VSAC and ability to meet tuition costs.~~

~~E. Documentation of Vermont residency.~~

~~F. Documentation to support the determination of the amount of PSE financial assistance.~~

~~Section 2424 Literacy~~

~~10. During the last year of the degree program, the PSE participant shall seek employment using the services of the college's career placement office or if no placement office exists, the PSE participant shall seek employment using the services of the Department of Labor's local career resource center.~~

**2405.1 PSE Skills Assessment**

~~a. A-~~ As part of the application process, the ~~commissioner~~Department shall assess the ~~applicant's~~applicant's basic skills in reading, writing, and mathematics to evaluate ~~the applicant's~~their ability to participate successfully in the PSE program.

~~b.~~ Such ~~skills~~assessment may be waived when, ~~in the judgment of the commissioner, the applicant's~~the applicant's record contains sufficient information, ~~such as a~~ to make this evaluation without the assessment, including the following:

~~1.~~ High school transcript;~~;~~

~~2.~~ Rank in high school class;~~;~~

~~3.~~ GED transcript;~~;~~

~~4.~~ Responsibilities of jobs held;~~;~~

~~5.~~ Responsibilities of volunteer work performed;~~;~~

~~1-6.~~ Recommendations of teachers or employers;~~;~~ or

~~7.~~ Scores from standardized tests ~~(for example, SAT or ACT) to make this evaluation without the assessment.~~

~~b.c. B-~~ If the ~~literacy~~skills assessment indicates that the applicant does not have the basic skills necessary to participate successfully in the PSE program, the applicant shall not be eligible for the PSE program.

~~d.~~ Applicants who do not have the basic skills necessary to participate successfully in the PSE program shall be referred, as appropriate, to Reach Up or VSAC for support for basic ~~skills~~skills courses.

~~Section 2425 Non-participating Parents Unable to Work.~~

~~(03/01/2017, 17-02)~~

#### ~~A. Disability~~

~~1. All non-participating parents who state they are unable to work or able to work part time because of a disability shall be referred to the Vermont Division of Vocational Rehabilitation (VR) for an assessment of eligibility for VR services and, if determined eligible, may accept VR services, but shall not be required to do so.~~

~~2. A non-participating parent who has been determined to be ineligible for VR services than and who has not been determined to be disabled by the Social Security Administration or other state or federal program approved by the commissioner or the commissioner's designee, shall be subject to the full-time employment requirement of the PSE program.~~

~~3. A non-participating parent who has been determined to be ineligible for VR services and who has been determined to be disabled by the Social Security Administration or other program approved by the commissioner or the commissioner's designee shall not be subject to an employment requirement.~~

#### ~~B. Domestic Violence~~

~~1. When a participating family is experiencing the effects of domestic violence, the non-participating parent may apply for an exemption to or modification of the employment requirement.~~

~~2. Domestic violence shall include the following acts if committed by a family or household member as defined in rule 2207: physical acts that resulted in, or threatened to result in, physical injury; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental or emotional abuse; or neglect or deprivation of medical care.~~

~~3. The commissioner or the commissioner's designee shall make an individualized assessment of the family situation, consistent with rule 2344.2. B.5, to determine whether an exemption to or modification of the employment requirement shall be granted.~~

~~4. Initial exemptions to or modifications of the employment requirement may be granted for a period of up to six months and may be extended for a period of up to six months at a time.~~

~~5. To retain or extend an exemption to or modification of the employment requirement, the non-participating parent must participate constructively in the development of and activities contained in a plan to address the effects of domestic violence. The plan may be developed with the commissioner or the commissioner's designee or be developed with another agency, such as VR, the Department for Children and Families' Family Services Division or other public or private service agency, and accepted by the commissioner or the commissioner's designee.~~

~~6. The non-participating parent shall be required to work part-time if the commissioner or the commissioner's designee determines that the non-participating parent is able to work part-time.~~  
~~Section 2426 Pre-existing PSE Degrees.~~

### 2405.2 Pre-Existing Undergraduate Degrees

a. Applicants are not eligible for the PSE program if they already have a postsecondary undergraduate degree unless they meet one of the following exceptions, ~~as determined by the PSE plan review committee:~~

- ~~1. A.~~ If the applicant states that ~~she or he is~~ they are unable to perform the occupation for ~~which~~ the pre-existing PSE undergraduate degree ~~prepared her or him~~ because of a disability, the

applicant shall submit medical evidence of the disability and evidence of its effect on ~~the applicant's~~their ability to perform the occupation.

~~i.~~ The ~~PSE plan review committee~~Department may request the services of a ~~vocational~~ consultant if it is unable to make a determination based on the documentation provided by the applicant.

~~2. B.~~ If the applicant states that the occupation for ~~which~~ the pre-existing ~~PSE undergraduate~~ degree ~~prepared her or him~~ is obsolete or ~~that the preparation for the occupation for which the degree prepared her or him is~~ outdated and not marketable in the current labor market, the ~~PSE plan review committee~~Department shall make a determination ~~considering, but not limited to, including consideration of~~ the following factors:

~~i. 1.~~ Current licensing requirements for a particular occupation cannot be met by the applicant's previously obtained ~~preparation or~~ degree and those deficiencies cannot be remedied by taking current courses in a non-degree program; ~~or~~

~~ii. 2.~~ A person currently pursuing the same occupational goal would be required to complete substantially different requirements from those included in the previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program.

#### ~~Section 2427-2406~~ Development of a PSE Plan.

~~All applicants must develop and submit a~~

~~a. Each PSE plan as set forth in 2406. A decision by the PSE plan review committee shall be made within 30 days~~include the following:

~~1. The name and location of the date on college at which the applicant submits the completed initial or modified PSE plan for review by the PSE plan review committee. participant is matriculating or matriculated;~~

~~Section 2428 Conditions for Participation.~~

~~Prior to a final determination regarding eligibility for the PSE program, all applicants shall agree to the following conditions:~~

~~A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to 2402.1.D.8-9, if applicable. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, periods in which the participant has been granted an exception, or any other term in which the participating parent is not taking any courses.~~

~~B. Participating parents who receive PSE financial assistance shall assign all child support rights to the DCF. The participating parent shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents who fail or refuse to apply for services from OCS.~~

~~C. PSE financial assistance shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance. Participants currently receiving Reach Up financial assistance through vendor payments due to money mismanagement must consent to continued vendor payments until such time as the family's essential expenses are current.~~

~~D. Financial assistance shall be determined in the same way as Reach Up financial assistance using Reach Up financial assistance rules.~~

~~E. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Labor's local career resource center.~~

~~Section 2429 Notice of Decision.~~

~~A. A decision on the application shall be made no later than the tenth day of the month prior to the month in which~~

~~2. A statement of the occupational goal the applicant would begin attending classes in the or participant intends to pursue after receiving the postsecondary undergraduate degree program. If a decision is not made by and why they wish to pursue this date through no fault of occupation;~~

~~3. The labor market area in which the applicant, or participant plans to seek employment;~~

~~4. The field directly related to employment in which the deadline applicant or participant proposes to complete the postsecondary degree;~~

~~5. The supporting information that demonstrates the necessary connection between the employment goal and the field of study, including:~~

~~i. The job titles for other occupations that can be pursued with this degree and field of study;~~

~~ii. A description of the career exploration activities the applicant or participant has completed to gather this information; and~~

~~iii. A justification for the need of a four-year degree to achieve the occupational goal, if the applicant or participant is seeking a four-year degree in a field in which a two-year degree is commonly accepted for entry into the occupation.~~

~~6. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participant plans to use to pay for these costs; and~~

~~7. The number of hours scheduled for class time, the estimated number of hours needed for studying and preparing coursework outside of the classroom, and the method of documenting and verifying actual hours of participation and satisfactory progress.~~

~~b. The Department may require inclusion in the PSE plan of one or more of the following activities to strengthen the link between the chosen field of study and the attainment of the stated occupational goal:~~

~~1. Paid employment;~~

~~2. Work-study position;~~

~~3. Practicum;~~

4. Internship;
5. Clinical placement;
6. Laboratory or field work; or
7. Some other paid or unpaid work activity or experience that will substantially enhance the applicant or participant's employability in the occupation specified in the PSE plan.

#### **2406.1 PSE Degree Completion Requirements**

- a. PSE participants shall complete their PSE degrees according to a schedule that ensures they will complete the coursework necessary in the following time-frames:
  1. A two-year postsecondary undergraduate degree must be completed within three years;
  2. A four-year postsecondary undergraduate degree must be completed within five years; or
  3. A different time period if the below criteria are met:
    - i. When an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months will be deducted for every 15 credit hours;
    - ii. When a participant, who has already obtained a two-year postsecondary undergraduate degree through participation in the PSE program is pursuing a four-year postsecondary undergraduate degree, the time period that was used to obtain the two-year degree is subtracted from the five-year time period;
    - iii. When the applicant has provided documentation, to the satisfaction of the Department, that additional time is necessary for completion due to the applicant's disability; or
    - iv. When subsequent changes to the PSE degree completion requirement are made pursuant to rule 2419.
- b. The schedule should reflect consideration of and address the individual's existing circumstances and responsibilities that may reasonably affect their ability to maintain the completion requirement and eligibility.
- c. Each month in which the participant receives PSE financial benefits or PSE support services shall be counted as part of the three-year or five-year completion requirements for PSE participation, regardless of whether the participant was taking one or more courses during that month.
  1. This shall include any month during a leave of absence pursuant to rule 2420 for which the participant receives PSE financial benefits or PSE support services.

#### **2406.2 Obtaining Approval of PSE Plan**

- a. A case manager shall review each PSE plan with the applicant or participant.



- b. The applicant shall not be eligible for the PSE program when the PSE case manager makes a determination that the applicant can achieve entry into the proposed occupation, or into a substantially similar occupation, by completion of an education and/or training program, whose duration is 12 or fewer months.
- c. The PSE case manager, together with their supervisor, shall approve, disapprove, or make recommendations for modifications to the PSE plan and provide notice of the decision (rule 2413).
  - 1. The applicant or participant shall receive a copy of the case manager's recommendations for modifications.
  - 2. The PSE plan shall be deemed disapproved if, within 30 days of receiving the PSE case manager's recommendation for modification, the applicant or participant does not submit a modified PSE plan and does not appeal the request for modification.
- d. If the PSE case manager disapproves or recommends modifications to the PSE plan, the applicant or participant shall be notified of their appeal rights.
- e. Each applicant or participant shall propose modifications to the PSE plan when necessary to respond to a recommendation for modification or to support a requested change, as specified in rule 2418.

#### **2407 Pre-Participation Services**

- a. Prior to the initiation of case management services, the Department may assist the PSE applicant with:
  - 1. Completion of all aspects of the financial and non-financial eligibility;
  - 2. Development of the initial PSE plan;
  - 3. Determination of the amount of the PSE financial benefit;
  - 4. Identification of majors or fields of study that are the most closely related to the applicant's occupational goals; ~~shall be extended to permit~~
  - 5. Identification of colleges that offer the most appropriate programs to meet the applicant's occupational goals, taking into consideration household obligations and financial constraints;
  - 6. Application for financial benefits; and
  - 7. Coordination with Department case managers for applicants, who are recipients of Reach Up benefits.

#### **2408 Prioritizing PSE Applicants**

- a. If program funds are insufficient for all otherwise eligible applicants to begin participate, participation in the program shall be granted to applicants in the following order:
  - 1. Applicants without a college degree or who qualify for an exception under rule 2405.2 who also:
    - i. Have demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought; and
    - ii. Qualify for PSE financial benefits.

2. Applicants who have had no postsecondary education and who qualify for PSE financial benefits.
3. Applicants without a college degree or who qualify for an exception under rule 2405.2 who also:
  - i. Have already demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought; and
  - ii. Qualify for case management services, but do not qualify for PSE financial benefits.
4. Applicants who have no postsecondary education and qualify for case management services, but do not qualify for PSE financial benefits.
5. If the number of eligible applicant households in the priority group under consideration exceeds the number of openings for PSE, program eligibility will be determined by random selection from that group.

### **2409 Financial Benefits**

- a. PSE households determined to be otherwise eligible for financial benefits under the applicable Reach Up Eligibility rules for income and resources shall receive PSE financial benefits equivalent to the Reach Up financial benefit for which they would have been eligible.
- b. The amount of PSE financial benefits shall be determined and verified by the Reach Up Eligibility rules.
  1. The initial amount of PSE financial benefits shall be determined at the time of admission into the PSE program and shall be recalculated if the household's circumstances change.
  2. The initial financial benefit payment shall be effective on the first day of the calendar month in which the PSE participant begins attending classes in the degree program, unless they fall within the exception in (3) below.
    - i. A household may not receive a PSE financial benefit and a Reach Up financial benefit for the same calendar month.
  3. If the deadline for the decision on an application was extended pursuant to rule 2413 and there is insufficient time to terminate Reach Up benefits prior to the first day of the month in which the PSE participant begins attending classes in the undergraduate degree program, Reach Up benefits shall continue for that month in lieu of PSE benefits.
    - i. ~~B.~~ PSE benefits shall begin in the month following termination of Reach Up benefits.
  4. Subject to notice requirements, eligibility for PSE benefits ends with the calendar month in which the PSE participant:
    - i. Begins an interruption in the program participation;
    - ii. Receives the two-year or four-year degree specified in the PSE plan; or
    - iii. The household becomes ineligible due to changes in the household's circumstances.
- c. All Reach Up Eligibility rules pertaining to eligibility and payment apply to the PSE program and are hereby incorporated into the PSE rules with the following exceptions:
  1. Deadline for Application Processing, Reach Up Eligibility rule 2207.3;
  2. Benefit Payment, Reach Up Eligibility rule 2214.1;

3. Temporary Absence from the Home, Reach Up Eligibility rule 2228; and
4. Appeal of Reach Up Decision, Reach Up Eligibility rule 2262.3(b) and (c).

#### **2410 Case Management Eligibility**

- a. All applicants who qualify for the PSE program are eligible for case management services.
  1. Applicants who qualify for participation in the PSE program but do not qualify for PSE financial benefits may receive case management services.
- b. A qualifying applicant/participant who is no longer eligible for PSE financial benefits due to a change in circumstances may continue to be eligible for case management during the academic year in which the loss of eligibility occurred and until the date of their next annual recertification, provided they meet all the criteria at rule 2405.

#### **2411 Continuing Eligibility**

- a. PSE financial benefits and case management services continue, as authorized, until changed or terminated due to:
  1. Change in circumstances (rules 2404 and 2405);
  2. Expiration of the annual review period; or
  3. Participant not providing information to complete the annual review (rule 2412).
- b. Continuing eligibility for financial benefits is determined using Reach Up Eligibility rules governing reported changes (Reach Up Eligibility rule 2211) when they occur and at the annual review.
- c. The participant's PSE plan (rule 2406), which includes non-financial eligibility requirements, shall be reviewed and revised as needed.

#### **2412 Annual Review**

- a. The Department shall conduct an annual review to determine continuing financial and non-financial eligibility for the PSE program and to determine the amount of any financial benefits.
- b. The annual review follows the same eligibility process and financial and non-financial eligibility as indicated in rules 2403, 2404, and 2405.
- c. Changes in PSE financial benefits, resulting from the annual review, shall be made as soon as administratively possible.
- d. Participants who qualify for the PSE program but do not qualify for PSE financial benefits may receive case management services.
- e. The annual review shall be final when all the following actions have been completed:

1. ~~Written notice of the eligibility determination shall be provided to the applicant. Department's decision has been made available to the participant, including eligibility for case management services; and~~
  - i. ~~An increase of financial benefits has been made available to the participant; or~~
  - ii. ~~Authorization to terminate or reduce financial benefits has been processed.~~

### **2413 Notice of Decision**

- a. ~~Written notice of the 1- decision on the financial eligibility application shall be given to the applicant within 30 days of the date the signed financial eligibility application was received.~~
- b. If financial eligibility is approved, the notice shall include the date on which eligibility for the PSE program will begin, the amount of financial ~~assistance if the applicant qualifies~~ benefits, and the applicant's appeal rights.
  1. ~~2- An applicant may be financially eligible, but receive no PSE financial benefits, due to household income that is above the Reach Up financial eligibility limit.~~
- c. If financial eligibility is denied, the notice shall include the reasons for the denial and information on the applicant's appeal rights.
  - 3.
- d. ~~Written notice of the decision on the nonfinancial eligibility application shall be made within 30 days of the date the initial or modified PSE plan was received or within 30 days of the date of the written notice of decision on the financial eligibility decision, whichever occurs later.~~
- a-e. If the applicant meets the PSE eligibility requirements but is denied admission under the ~~priorities~~ PSE applicant prioritization stated in ~~2404~~ rule 2408, the applicant shall be informed ~~of the next admission period and that her or his~~ their application will be kept on file.
  1. Applicants who request that the application on file be considered ~~at~~ in the ~~next admission period~~ future may be required to update the application and will be subject to the same determination and priority criteria as an applicant submitting a new application.

### ~~Section 2430 Priorities.~~

~~At~~

~~Written notice of the point where program funds are insufficient for all otherwise eligible applicants to participate, participation in the program shall be granted to applicants in the following order:~~

- A. ~~Applicants without a college degree or who qualify for an exception under rule 2403.7, who have already demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought, and who qualify for PSE financial assistance.~~
- B. ~~Applicants who have had no postsecondary education and who qualify for PSE financial assistance.~~
- C. ~~Applicants without a college degree or who qualify for an exception under rule 2403.7, who have already demonstrated the ability to be successful in college by accumulating college credits~~

~~that can be applied to the degree sought, and who qualify for case management services, but do not qualify for PSE financial assistance.~~

~~D. Applicants who have no postsecondary education and qualify for case management services, but do not qualify for PSE financial assistance.~~

~~E. If the number of eligible applicant families in the priority group under consideration exceeds the number of openings for PSE, admission to the program will be determined by random selection from that group.~~

~~Section 2440 Deleted.~~

~~(03/01/2017, 17-02)~~

#### ~~Section 2450 PSE Plan.~~

~~A. Each applicant shall develop a PSE plan with assistance, as needed, from staff. In addition, each applicant or participating parent shall propose modifications to the PSE plan when necessary to respond to a recommendation for modification or to support a requested change as specified in 2406.4.~~

~~B. A PSE plan annual review committee shall be convened to review each PSE plan and each modified PSE plan. The committee shall consist of a core team including the staff person assigned to assist in PSE plan development; the participating parent's case manager, where applicable; the supervisor of the case manager or other staff person or the supervisor's designee; a person with labor market expertise; and a person with broad knowledge of educational opportunities in Vermont colleges. The commissioner may include others on the committee, depending on the needs of each applicant or participating parent. The applicant or participating parent may participate in the review.~~

~~C. The PSE plan review committee shall make a determination of whether the applicant can achieve entry into the proposed occupation or into a substantially similar occupation by completion of an education and/or training program whose duration is 12 or fewer months. If so, the applicant shall not be eligible for the PSE program.~~

~~f. D. The PSE plan review committee shall approve or disapprove of, or make recommendations for modifications to the PSE plan. The applicant or participating parent shall receive a copy of the committee's decision or recommendation. If the PSE plan review committee recommends modification, a revised PSE plan shall be submitted to the PSE plan review committee for consideration. If, shall be provided to the participant within 30 days of receiving the PSE Plan review committee's recommendation for modification, the applicant or participating parent fails to submit a modified PSE plan and fails to appeal the request for modification, the PSE plan shall be deemed disapproved the date when the financial eligibility application was received.~~

- ~~1. The notice shall inform the participant whether they continue to be eligible for the PSE program and the amount of PSE financial benefits.~~
- ~~2. If the participant is no longer eligible for the PSE program the notice will include the reasons for these decisions and information on appeal rights.~~

#### 2414 Case Management

Case management is the primary connection between ~~E. If the PSE plan review committee disapprove of or recommends modifications to the PSE plan the applicant or participating parent shall be notified of her or his appeal rights.~~

~~Section 2451 PSE Plan Requirements.~~

~~(03/01/2017, 17-02)~~

~~a. A. Each applicant or participating parent's participants and the PSE plan program.~~

~~b. Case managers shall include the following: work closely with participants to maximize the likelihood that they will complete the PSE program successfully.~~

~~1. The name and location of the college at which the applicant or participating parent is matriculating or matriculated.~~

~~2. A statement~~

~~c. Case managers will assist with eligibility determinations, revision and review of PSE plans, and career planning.~~

~~d. Case managers shall provide other assistance and support, including referrals, in areas such as academic advice, financial aid, social services, and other State or federal benefit programs.~~

#### 2415 Availability of Case Management

~~a. Case management shall be available to all PSE participants from one month prior to the beginning of the occupational goal that the applicant or participating parent intends to pursue after receiving the academic term in which they will be taking classes until the month they complete the postsecondary undergraduate degree and why the applicant or participating parent wishes to pursue this occupation. specified in their current PSE plan.~~

~~3. The labor market area in which the applicant or participating parent plans to seek employment in this occupation.~~

~~4. The "field directly related to employment" in which the participating parent or applicant proposes to complete the postsecondary degree and the following supporting information that demonstrates the necessary connection between the parent's employment goal and the field of study:~~

~~a. The job titles for other occupations that can be pursued with this degree and field of study.~~

~~b. A description of the career exploration activities the parent has completed to gather this information.~~

~~c. A justification for the need of a four-year degree to achieve the occupational goal if the applicant is seeking a four-year degree in a field in which a two-year degree is commonly accepted for entry into the occupation.~~

~~5. A schedule that ensures that the applicant or participating parent will complete the coursework necessary for a two-year postsecondary undergraduate degree within three years and for a four-year postsecondary undergraduate degree within five years or a shorter time period if required by paragraph 6 or 7 below. The schedule should reflect consideration of and address the individual's existing circumstances and responsibilities that may reasonably affect the applicant's ability to maintain the schedule and eligibility, such as the age of the participant's youngest child, child care and transportation.~~

~~An initial schedule for degree completion may exceed the three and five year time frames only when the applicant has provided documentation, to the satisfaction of the commissioner, that additional time is necessary for completion due to the effects of the applicant's disability. Subsequent modifications to the schedule for degree completion may be made pursuant to rule 2454.~~

~~6. A schedule reflecting that, when an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months for every 15 credit hours of course work that can be applied to the degree has been deducted from the three year time period allowed for a two year postsecondary undergraduate degree or the five year time period allowed for a four year postsecondary undergraduate degree.~~

~~7. A schedule reflecting that, when a participating parent who has already obtained a two year postsecondary undergraduate degree through participation in the PSE program is pursuing a four year postsecondary undergraduate degree, the time period that was used to obtain the two year degree has been subtracted from the five year time period allowed for a four year degree.~~

~~8. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participating parent plans to use to pay for these costs.~~

~~9. During the last year of the degree program, the parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the parent shall seek employment using the services of the Department of Labor's local career resource center.~~

~~10. The number of hours scheduled for class time, the estimated number of hours needed for studying and preparing coursework outside of the classroom, and the method of documenting and verifying actual hours of participation and satisfactory progress.~~

~~Section 2452 Fields of Study/Majors.~~

~~(03/01/2017, 17-02)~~

~~b. The Case managers shall meet in person or by telephone at least monthly, or more often as needed, with each participant to review academic progress, offer support services, and assist with PSE program participation.~~

~~1. These meetings will be held in partnership with the college identified in the participant's current PSE plan review committee may require inclusion in the PSE plan of one or more of the following activities whose purpose is to strengthen and include academic advisors and other faculty, as needed.~~

## **2416 Case Management Services**

~~a. Case management services include:~~

~~1. Assisting with the link between the chosen field review and modification of PSE plans;~~

~~2. Assisting participants in identifying majors or fields of study and the attainment of the stated most closely related to their occupational goal-, when a change in goal is proposed;~~

~~3. Assisting participants in identifying colleges offering the most appropriate programs to~~

meet their occupational goal, taking into consideration household obligations and financial constraints, when a change in goal is proposed;

4. Assisting with identifying appropriate resources for academic advice and counseling;
5. Considering and authorizing requests for support services;
6. Arranging support groups or informational workshops for participants;
7. Scheduling annual review of continuing eligibility for the PSE program;
8. Considering and determining whether there is good cause for a leave of absence (rule 2420) in PSE program participation and whether changes to the PSE degree completion requirement should be granted (rule 2419);
9. Assisting PSE households in obtaining and maintaining community-based social services;
10. Referring PSE households to other State and federal benefit programs for which they may be eligible;
11. Assisting participants in applying for financial assistance, including tuition for summer programs available through VSAC;
12. Providing participants with information and referrals to career placement services; and

Maintaining participant records. ~~Paid employment, work study position, practicum, internship, clinical placement, laboratory or field work, some other paid or unpaid work activity or experience that will substantially enhance the applicant's employability in the occupation specified in the PSE plan.~~

13. Section 2453

**2417 Support Services**

- a. Support services shall be provided within the limits of funds available to all PSE participants, as established by the Reach Up support services matrix, regardless of whether they are financially eligible to receive PSE financial benefits.
- b. Requests for support services shall be submitted to the participant's case manager.
- c. If the request for a support service is denied, the participant shall be given written notice of the denial, including the reasons for the denial and information about the participant's right to appeal.

**2418 Change in Occupation, Major, Degree, or College-**

~~(03/01/2017, 17-02)~~

- a. The ~~participating parent~~ participant may apply to change the occupation, major, field of study, postsecondary undergraduate degree, or college specified in the PSE plan, as long as ~~the participating parent~~ they can demonstrate the ability to: complete the degree within the ~~three-year time limit for a two-year postsecondary undergraduate~~ PSE degree ~~or the five-year time limit for a four-year postsecondary undergraduate degree. If the participating parent proposes a~~



~~change in occupation, major, field of study, degree, or college, the participating parent's case manager and academic advisor shall approve the proposed change-completion requirements (rule 2406.1).~~

~~Section 2454 Modifications to Plan Schedule.~~

~~Whenever~~

- ~~b. If the participant proposes a participating parent does not complete change in occupation, major, field of study, degree, or receives a failing grade for a course college, the PSE case manager and, if applicable, the academic advisor shall meet with the parent to determine if it is necessary to modify the current course approve the proposed change.~~

**2419 Change in PSE Degree Completion Requirement**

- a. ~~PSE participants may request an extension to their PSE degree completion schedule to enable the parent to meet the time frames in requirement (rule 2406.2.A.5, 6, or 7.1).~~
- b. ~~A. When such modification cannot be reasonably accomplished, the applicable time frame~~The completion requirement may be extended for verified good cause reasons that are beyond the ~~participating parent's~~participant's control including ~~but not limited to the following:~~;
- ~~1. —The need to care for a family member with special needs;~~
  - ~~2. —A serious physical or mental health problem of an expected duration of greater than two weeks;~~
  - ~~3. —The~~A learning disability ~~of the participating parent;~~;
  - ~~4. —The effects of domestic violence;~~
  - ~~5. —The death or, serious illness or accident of an immediate family member or person residing in the household;~~
- ~~—Some other equally disruptive set of circumstances as determined by the case manager and approved by the case manager's supervisor; or~~
- ~~6. —The unavailability of courses essential to the major, field of study or for general requirements of the college in a particular semester-; or~~
  - ~~7. B. An applicant~~Some other equally disruptive set of circumstances, as determined by the case manager and approved by the Department.
- c. ~~When a participant does not complete or receives a failing grade for a course, the case manager shall meet with them to determine if it is necessary to change the current PSE plan schedule to enable them to meet the requirements in rule 2406.1.~~
- d. ~~A participant~~ pursuing a two-year postsecondary undergraduate degree shall be granted only one additional semester for good cause beyond the applicable ~~time limit-completion requirement.~~
- e. ~~C. An applicant~~A participant pursuing a four-year postsecondary undergraduate degree shall be granted only two additional semesters for good cause beyond the applicable ~~time limit-completion requirement.~~

~~Section 2460 Financial Assistance.~~

~~(7/1/2015, 15-08)~~

~~A. A. Participating parents determined to be otherwise eligible for financial assistance under the applicable Reach Up regulations for income and resources shall receive financial assistance equivalent to the Reach Up financial assistance amount for which she or he would be eligible. The amount of PSE financial assistance shall be determined and verified by the Reach Up rules and regulations.~~

~~1. The amount of PSE financial assistance is determined in accordance with Reach Up rules and shall fluctuate as the family's circumstances change. The initial amount shall be determined at the time of admission into the PSE program.~~

~~2. The initial financial assistance payment shall be effective on the first day of the calendar month in which the participating parent begins attending classes in the degree program, unless the participating parent falls within the exception in rule 2460. A family may not receive PSE financial assistance and a Reach Up financial assistance payment for the same calendar month.~~

~~3. If the deadline for the decision on an application was extended pursuant to rule 2429 and there is insufficient time to terminate Reach Up financial assistance prior to the first day of the month in which the participating parent begins attending classes in the undergraduate degree program, Reach Up financial assistance shall continue for that month in lieu of PSE financial assistance. PSE financial assistance shall begin in the month following termination of Reach Up financial assistance.~~

~~4. Subject to notice requirements, eligibility for PSE financial assistance ends with the calendar month in which the participating parent begins an interruption in PSE program participation, receives the two-year or four-year degree specified in the PSE plan, or the family becomes ineligible due to changes in family circumstances.~~

~~B. Case managers shall explain to participants who are found eligible for PSE financial assistance that the amount of PSE financial assistance is like a Reach Up grant and it may fluctuate from month to month.~~

~~C. All Reach Up rules generally pertaining to Eligibility and Payment in rules 2200 through 2335 apply to the PSE program and are hereby incorporated into the PSE rules with the following exceptions:~~

~~1. Deadline for Application Processing rule 2210.3~~

~~2. Assistance Pending Fair Hearing rule 2215~~

~~3. Temporary Absence from the Home rule 2230.3~~

~~4. Money Payment rule 2216.2~~

~~Section 2461 Support Services.~~

~~A. Support services, including case management and other services that are directly related to participation in the PSE program, shall be provided within the limits of funds available to all PSE program participants regardless of whether they are financially eligible to receive PSE financial assistance.~~

~~B. The following education-related needs may be addressed by support services payments or reimbursements, as specified below:~~

~~Books~~

~~Mandatory fees (excluding tuition)~~

~~Transportation and related costs (for example, car repairs, insurance, registration, title fees, drivers license fees, bus pass or other public transportation)~~

~~Education-related equipment and supplies~~

~~Clothing necessary for school program (for example, internships, work study)~~

~~Relocation costs~~

~~Temporary housing~~

~~C. Although child care assistance is not considered part of "support services" it may be available to participating parents and shall be determined according to the Vermont Department for Children and Families child care program regulations. PSE program case managers shall make referrals to the community-based organization that administers the child care program authorizing the number of child care hours needed to support participation in the PSE program.~~

~~D. Requests for support services shall be submitted to the participating parent's case manager. If the request for a support service is denied, the participating parent shall be given written notice of the denial, including the reasons for the denial and information about the participating parent's right to appeal.~~

~~Section 2462 Pre-participation Services.~~

~~Prior to the initiation of case management services pursuant to 2411.2.A, assistance shall be available for:~~

~~A. Completion of all aspects of the financial and non-financial application;~~

~~B. Development of the initial PSE plan;~~

~~C. Determination of the amount of PSE financial assistance;~~

~~D. Identification of majors or fields of study that are the most closely related to the applicant's occupational goals;~~

~~E. Identification of colleges that offer the most appropriate programs to meet the applicant's occupational goals, taking into consideration family obligations and financial constraints;~~

~~F. Application for financial assistance; and~~

~~G. Coordination with DCF case managers for applicants who are recipients of Reach Up financial assistance.~~

~~Section 2470 Case Management. 2420~~

~~Case management is the primary connection between participating parents and the PSE program.~~

~~Case managers shall work closely with participating parents to maximize the likelihood that they will complete the PSE program successfully. Case managers will assist with eligibility determinations, revision and review of PSE plans and career planning. Case managers shall provide other assistance and support, as needed, including counseling or referrals in areas such as academic advice, financial aid, social services, and other state or federal benefit programs.~~

~~Section 2471 Availability of Case Management.~~

~~A. Case management shall be available to all participating parents in the PSE program from one month prior to the beginning of the academic term in which they will be taking classes until the month of their completion of the postsecondary undergraduate degree specified in their last PSE plan.~~

~~B. Case management shall be available to participating parents on-site at all colleges located in Vermont. Participating parents shall also have access to their case managers through a toll-free telephone line.~~

~~C. Case managers shall meet at least monthly, or more often as needed, with each participating parent to review academic progress, and support services, and generally to assist with PSE program participation. Meeting may be in person by telephone, or by other means as appropriate.~~  
~~Section 2472 Case Management Services.~~

Case management services shall include, but are not limited to:

~~A. Assisting with the review and revision of PSE plans;~~

~~B. Serving on the PSE plan review committee;~~

~~C. Assisting participating parents to identify majors or fields of study that are the most closely related to their occupational goals when a change in occupational goal is proposed;~~

~~D. Assisting participating parents to identify colleges that offer the most appropriate programs to meet their occupational goals, taking into consideration family obligations and financial constraints, when a change in occupational goal is proposed;~~

~~E. Assisting with identification of appropriate resources for academic advice and counseling;~~

~~F. Considering and authorizing requests for support services;~~

~~G. Scheduling annual reviews of continuing eligibility for the PSE program;~~

~~H. Considering and determining whether there is "good cause" for interruptions in PSE program participation and whether extensions of time limits for completion of the PSE program should be granted;~~

~~I. Assisting participating parents to obtain and maintain community-based social services;~~

~~J. Referring participating parents to other state and federal benefit programs for which they may be eligible;~~

~~K. Assisting participating parents to apply for financial assistance, including tuition for summer programs available through VSAC;~~

~~L. Providing participating parents with information on and referrals to career placement services;~~

~~M. Maintaining participant records.~~

~~N. Attending trainings and meetings, including district meetings of the Department for Children and Families Economic Services Division to coordinate with Reach Up case managers;~~

~~O. Providing participating parents with written notice of decisions and appeal rights; and~~

~~P. Participating in fair hearings before the Human Services Board, as necessary.~~

~~Section 2473 Other Services.~~

Other services that may be provided include:

~~A. Arranging support groups or informational workshops for participating parents, and~~

~~B. Referring other family members for community-based social services or state and federal benefit programs for which they may be eligible.~~

~~Section 2474 Case Management During Leaves of Absence.~~

~~(03/01/2017, 17-02)~~

~~A. While PSE financial assistance does not continue during any leaves of absence from PSE, limited case management through the PSE program shall be available for participating parents who are taking leave of absence from the PSE program (rule 2486). Case management shall be provided on an "as needed" basis during leaves of absence. Monthly case management meetings are not required during interruptions in PSE program participation. The focus of case management through the PSE program during leaves of absence shall be to assist the participating parent with successful re-entry to the PSE program.~~

~~B. For participating parents who receive financial assistance through Reach Up during a leave of absence from the PSE program participation, primary case management shall be provided by their Reach Up case manager.~~

~~Section 2475 Conflict of Interest.~~

~~Case managers shall avoid conflicts of interest between the interests of the participating parent and the entity employing the case manager, particularly when assisting participating parents in identifying occupational goals, fields of study and majors most closely related to occupational goals, and colleges offering appropriate programs in those majors or fields of study.~~

~~Training provided to case managers shall include instruction on how to identify and avoid conflicts of interest.~~

~~Section 2480 Annual Review.~~

~~The case manager shall schedule an annual review with each participating parent within 90 days prior to the beginning of the academic year or term in which the participating parent will be taking courses. Changes in PSE financial assistance shall be made as soon as administratively possible.~~

~~Section 2481 Documentation.~~

~~The participating parent shall provide the following documentation as part of the annual review process:~~

~~A. Documentation to support determination of continuing financial eligibility for the PSE program;~~

~~B. Documentation to support determination of PSE financial assistance amount;~~

~~C. Documentation of the employment status of the non-participating parent;~~

~~D. Documentation of eligibility for financial assistance from VSAC, which includes maintaining non-probationary academic standing, and ability to meet tuition costs;~~

~~E. Documentation of Vermont residency;~~

~~F. Documentation that the participating parent is making progress toward a degree;~~

~~G. Documentation of good academic standing;~~

~~H. Documentation that the parent is a member in good standing at the college she or he attends, and;~~

~~I. Documentation, if applicable, that employment will be reduced to no more than 20 hours per week when the participating parent is taking one or more courses.~~

~~Section 2482 Review of PSE Plan.~~

~~The existing PSE plan shall be reviewed and revised, as needed. If a change in the occupation, major, field of study, postsecondary undergraduate degree or college is proposed, the procedures in 2406.4 shall be followed.~~

~~Section 2483 Conditions for Continuing Participation.~~

~~The participating parent shall agree to the following conditions:~~

~~A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to 2402.1.D.8-9 if applicable. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, during periods for which the participant has been granted an exception or any other term in which the participating parent is not taking any courses.~~

~~B. Participating parents who receive PSE financial assistance shall assign all child support rights to the DCF. The participating parent shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents who fail or refuse to apply for services from OCS.~~

~~C. The PSE financial assistance shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance.~~

~~D. The PSE financial assistance shall be determined in the same way as Reach Up financial assistance and may be adjusted because of fluctuations in family income or other changes in the family circumstances during the course of the year.~~

~~E. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Labor's local career resource center.~~

~~Section 2484 Non-participating Parents Unable to Work.~~

~~If the non-participating parent is not employed full time, initial or continued compliance with 2403.6 is required.~~

~~Section 2485 Notice of Decision.~~

~~A participant~~

~~Written notice of the annual review decision shall be provided to the participating parent within 30 days of the annual review meeting. The notice shall inform the participating parent whether she or he continues to be eligible for the PSE program and the amount of PSE financial assistance. If the participating parent is no longer eligible for the PSE program the notice will include the reasons for these decisions and information on appeal rights.~~

~~Section 2486 Leaves of Absence.~~

~~(03/01/2017, 17-02)~~

- ~~a. A participating parent may take a leave of absence for up to 12 consecutive months from the PSE program for any reason.~~
- ~~b. The participating parent participant must notify the PSE case manager prior to taking the leave of absence in order for to prevent the absence to not be from being considered a de facto withdrawal from the PSE program.~~
- ~~B. A participating parent wishing to return to the PSE program following a leave of absence~~
- ~~c. If all applicable financial and non-financial eligibility requirements are met (rules 2404 and 2405), a participant shall be readmitted to the PSE program for the academic semester that immediately follows the end of the leave of absence upon meeting the applicable financial and non-financial continuing eligibility requirements.~~
- ~~C. Time taken for leaves of absence shall not count against the applicable three or five-year time limits for completion of the participating parent's PSE degree, except for any month during the approved leave of absence for which the participating parent receives PSE financial assistance, a living expense stipend or support services payments. (rule 2491.B)~~
- ~~D. A participating parent~~
- ~~d. A participant who is not readmitted into the PSE program for the academic semester immediately following the end of the leave of absence shall be considered to have withdrawn from the program.~~

~~Section 2487 Readmission.~~

~~(03/01/2017, 17-02)~~

~~A participating parent who has withdrawn from the PSE program may be readmitted to the PSE program once within a lifetime. Months in which the participating parent previously received PSE financial assistance, a living expense stipend, or support services payments Time taken for leaves of absence shall not count as part of against the three-year or five-year time limit to complete the applicable PSE degree.~~

~~Section 2488 Financial Support During Interruptions.~~

~~A. Families in which the parent's participation in the PSE program is interrupted are not eligible to receive PSE program financial assistance, stipend, or support services.~~

~~B. Families in which the parent's participation in the PSE program is interrupted may receive Reach Up financial assistance if they meet the eligibility completion requirements for that program.~~

~~Section 2490 Time Limits (rule 2406.1), except for Participation.~~

~~(03/01/2017, 17-02)~~

~~A. Participating parents in the PSE program shall have three years to complete a two-year postsecondary undergraduate degree and five years to complete a four-year postsecondary undergraduate degree. Three years shall consist of thirty-six cumulative months. Five years shall consist of sixty cumulative months.~~

~~e. B. Each month in which the participating parent receives PSE financial assistance, a living expense stipend or support services payments shall be counted as part of the three-year or five-year time limit for PSE participation, whether or not the participating parent was taking one or more courses during that month. This shall include any month during a the leave of absence pursuant to rule 2486 for in which the participating parent participant receives a living expense stipend, PSE financial assistance, benefits or PSE support service payments services.~~

### **Section 2491-2421 Case Management During Leaves of Absence**

- a. While PSE financial benefits do not continue during any leaves of absence from PSE, limited case management through the PSE program shall be available for participants.
- b. Case management shall be provided at the request of the participant during leaves of absence.
- c. Monthly case management meetings are not required during PSE leaves of absence.
- d. The focus of case management during PSE leaves of absence shall be to assist the participant with successful reentry to the PSE program.
- e. Case management shall be provided by a participant's Reach Up case manager if they receive Reach Up benefits during PSE leaves of absence.

### **2422 Financial Benefits and Support Services During Leaves of Absence**

- a. PSE financial benefits and PSE support services shall not continue for households during leaves of absence from the PSE program.
- b. Households on leaves of absence from the PSE program may receive Reach Up benefits if they meet the Reach Up eligibility requirements.

### **2423 Termination from the PSE- Program**

a. ~~Participating parents~~ Participants shall receive notice of termination from the PSE program for the following reasons:

#### A. Annual Review

##### 1. Failure to meet

- 1. Not meeting the financial (rule 2404) or non-financial eligibility requirements of 2402.2 at the time of annual review pursuant to 2412.-(rule 2405);
- 2. Failure

Not cooperating or providing documentation, without good cause, to cooperate with a scheduled annual review pursuant to 2412.1.

- 2. 3. Failure, without good cause, to provide documentation for with an annual review pursuant to (rule 2412.2.);

4. Failure to agree to the conditions of continuing participation pursuant to 2412.4.

#### B. On-Going Eligibility

##### 1. Failure to Comply with Residency or Limitation on Employment Requirements

a. If at any time the case manager becomes aware that the parent no longer meets the requirements for limitation on employment pursuant to 2402.2.C.4 or for Vermont residency



~~pursuant to 2402.2.C.6, the case manager shall notify the participating parent that the parent has thirty days to cure the non-compliance.~~

~~b. Within 30 days of the receipt of notice from the case manager, the participating parent shall provide documentation of compliance with the requirements of 2402.2.C.4 or 2402.2.C.6. If documentation of compliance is not provided within 30 days, the participating parent shall receive notice of termination.~~

~~A participating parent may receive extensions of 30 days at a time to comply with 2402.2.C.6 if:~~

~~—the reason for change of residency was for a verified good cause reason beyond the participating parent's control, including but not limited to, loss of housing and inability to find housing in Vermont, the effects of domestic violence, or some other equally disruptive set of circumstances as determined by the case manager and approved by the case manager's supervisor; and~~

~~—the participating parent intends to return to Vermont as evidenced by ongoing efforts to find housing in Vermont.~~

~~2. Failure to make~~

~~3. Not making progress toward a degree that, which cannot be cured by modifications to changes in the schedule for program PSE degree completion in 2406.5. requirement (rule 2419);~~

~~3. Failure to maintain status as a member in~~

~~4. Not maintaining good academic standing of the college. (rule 2405);~~

~~4. Failure to cooperate with program requirements (examples include failure without good cause to meet with the case manager within a 60-day period or failure to follow through on modification of the PSE plan when required under 2406.4. Failure to comply with child support assignment and cooperation requirements shall result in the sanctions as applicable to Reach Up grants in the Reach Up program.~~

~~5.~~

~~5. Not cooperating with PSE program requirements;~~

~~6. Voluntary withdrawal from the PSE program or from college, unless the participating parent/participant plans to attend a different college and the change in college has been approved pursuant to 2406.4. rule 2418;~~

~~7. 6-De facto withdrawal from the program (an example is a participating parent stops attending classes for at least 60 days and fails to respond to the case manager's efforts meet with him or her).PSE program;~~

~~8. 7-A determination that an affirmative initial or annual/continuing financial eligibility or recertification decision was incorrect due to inaccurate or incomplete information regarding the household's/household's income-; or~~

~~8. Failure to maintain qualifying status as a Vermont resident parent who has~~

~~1.9. Not maintaining physical custody of and resides/residency with a dependent child.~~

- i. Termination of financial ~~assistance~~benefits shall occur immediately following proper notice.
- ii. Termination of case management services will occur at the end of the semester during which the parent is determined to no longer qualify for the program.

~~Section 2492~~

b. The PSE case manager shall notify participants they will receive a notice of termination from the PSE program unless they provide documentation within 30 days to demonstrate compliance with the following requirements:

1. Limitation on employment (rule 2405);
2. Vermont residency (rule 2405);

i. A participant may receive extensions of 30 days at a time to comply with the residency requirement if:

- A. The reason for change of residency was for a verified good cause reason beyond the participant's control; and
- B. The participant intends to return to Vermont.

**2424 Readmission after Withdrawal from the PSE Program**

- a. A participant who has been terminated from the PSE program due to a voluntary or de facto withdrawal from the program may be readmitted to the PSE program once within their lifetime.
- b. As part of the readmission process, the months in which the participant previously received PSE financial benefits or PSE support services shall count towards their PSE degree completion requirement (rule 2406.1).

**2425 Notice ~~and~~of Appeal Rights-**

A. Applicants

a. The Department shall ~~be given~~ provide all PSE applicants and participants with written ~~information~~notice of their appeal rights at the time of their application. ~~Applicants and participating parents also shall be given written information about their appeal rights- and~~ each time they receive ~~a written~~ notice of ~~any department~~ adverse action or decision.

1. Department adverse actions are decisions that may deny, modify or terminate a PSE applicant's or participant's eligibility.

b. The written notice shall include:

1. The reasons for the adverse action or decision, ~~where and;~~
2. How appeals may be initiated, ~~;~~
3. Where a person ~~can~~may obtain a copy of the Human Services Board rules, ~~and;~~

~~4. Where to obtain legal representation assistance, if needed; and  
B.~~

~~5. How to obtain interpretation services, if needed.~~

~~c. Applicants and participating parents participants have the right to appeal decisions relating to all aspects of their eligibility for the PSE program, the amount of PSE financial assistance, support services, approval of the PSE plan, approval of good cause, and the violations of timelines for these decisions. The right to appeal includes the right to request a fair hearing before the Human Services Board.~~

~~1. C. A request for a fair hearing on an applicant's or participant's appeal of a Department decision must be made within 90 days of the mailing date of the written notice of the decision being appealed was mailed.~~

~~d. D. When adverse action results in termination of eligibility for the PSE program the commissioner Department shall mail notice of the determination to the participating parent participant at least 1510 days before the effective date of the adverse action. The participating parent shall have 5 days from the date the notice is received to submit to the case manager a written request for a review of the determination. The parent's request for review shall include any information the parent wants considered to rebut the reasons for the change given in the notice. No adverse action shall be taken while the review is pending.~~

~~The commissioner's impartial designee shall review the parent's request and issue notice of the decision within 5 days of receipt of the review request and at least 5 days before the effective date of termination. If a parent does not request a review or the requested review decision remains unfavorable to the parent, the parent may appeal the decision to the human services board.~~

~~a.e. E. When an action terminating a PSE program benefit based on non-financial eligibility criteria is appealed, the benefit shall not continue at the prior level pending the outcome of the appeal.~~

~~1. Retroactive coverage shall be provided in any case in which the Human Services Board reverses the action that was appealed.~~

~~b.f. F. When an action reducing or terminating PSE financial assistance benefits is limited to and based on the family's household's income, resources or both, a request for a hearing, either oral verbal or written, made within 10 days of the mailing date of a notice of decision to decrease or terminate assistance benefits may preclude the Department from implementing the proposed adverse action.~~

~~1. Reach Up rule 2218.2262 is applicable to continuing assistance benefits, recoupment, and retroactive payments.~~

#### 2426 Severability

~~a. If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.~~



#### **2400 Postsecondary Education (PSE)**

- a. The postsecondary education (PSE) program is a solely state-funded (SSF) program to assist parents in eligible households to obtain two- or four-year postsecondary undergraduate degrees.
- b. The PSE program provides financial assistance, case management, and support services.
- c. Eligibility is based on financial and non-financial criteria (rules 2406 and 2407).
- d. The PSE program is not an entitlement program because participation for eligible applicants is limited to the availability of program funds.
  1. If program funds are insufficient to serve all eligible applicants, prioritization for admission to the PSE program will be governed by rule 2408.
- e. The Department may fund certain household's PSE financial assistance with state funds claimed as Temporary Assistance for Needy Families (TANF) Maintenance of Effort (MOE) when such funding conforms to federal TANF law and the household is meeting the applicable federal work requirement with hours in postsecondary education or other federal work activity.

#### **2401 Definitions**

- a. The following definitions apply to the PSE program rules:
  1. "Applicant" means a parent, who is applying for admission to the PSE program.
  2. "Approved College" includes the term "college" and means any institution of higher education offering two-year or four-year postsecondary education degrees with priority given to those that are not for profit, including:
    - i. Those certified by the State Board of Education as provided in 16 V. S. A. §176 - 176a;
    - ii. Those accredited by the New England Association of Schools and Colleges or a comparable accrediting agency;
    - iii. Those accredited by the Vermont State Board of Nursing as provided in 26 V. S. A. §1573-1574 and 1581;
    - iv. Any legally authorized technical school, not including regional technical centers, that admits students, who have completed the twelfth grade or its equivalent and are accredited by:
      - A. A nationally recognized accrediting agency or association;
      - B. A state accrediting agency or association listed by the United States secretary of education pursuant to 20 U.S.C. §1085(c)(4) (P.L. 89-329); or
      - C. Any other means of accreditation approved by the state board.
  3. "Department" means the Vermont Department for Children and Families (DCF).
  4. "Dependent child" means a child who is a Vermont resident, and:
    - i. Is under the age of 18 years; or

- ii. Is 18 years of age or older and a full-time student in a secondary school or attending an equivalent level of vocational or technical training and is reasonably expected to complete the educational program before reaching the age of 22 or is not expected to complete the educational program before reaching age 22 solely due to a documented disability.
- 5. "Family" means one or more dependent children living with one or both parents of such children.
  - 6. "Field directly related to employment" means a field of study where employers are most likely to seek PSE graduates to fill positions in the occupation specified in the participant's PSE plan.
    - i. Employers in this context refer to entities that employ individuals in the PSE participant's occupation at sites located in the labor market area where they plan to seek employment.
  - 7. "Full-time" means forty (40) hours of work per week or a position requiring no fewer than thirty-five (35) hours of work per week that the employer defines as full-time.
  - 8. "Labor Market Area" means the geographic area used by the Vermont Department of Labor, or the comparable agency in another state, if the PSE participant intends to seek employment out-of-state.
  - 9. "Making Progress Toward a Degree" means an academic record of the PSE participant, during their participation in the program, that demonstrates the likelihood they will be able to:
    - i. Satisfactorily complete the college's general requirements for attainment of a two-year or four-year postsecondary undergraduate degree and the specific requirements for completion of the field of study specified in the PSE plan; and
    - ii. Complete these requirements within the schedule in the PSE plan for completion of the degree, taking into consideration extensions approved in accordance with rule 2421.
  - 10. "Matriculating or Matriculated Student" means:
    - i. A PSE applicant, who is attending or has been accepted and registered for classes at a two-year or four-year postsecondary undergraduate degree program; or
    - ii. A PSE applicant, who plans to attend the Community College of Vermont (CCV) and has completed the CCV application and the federal financial aid application and:
      - A. Provided prior transcript with college level course success;
      - B. Provided documentation of the College Readiness Assessment with no requirement to take basic skills courses; or
      - C. Provided documentation of the successful completion of basic skills courses.
  - 11. "Occupation" means a specific job title or cluster of related job titles, as listed in the *Dictionary of Occupational Titles*, the *Occupational Information Network*, the *Occupational Outlook Handbook*, or other relevant employment-related services or publications.
  - 12. "Parent" means the same as in 15C V.S.A. § 102(16) or a stepparent, who resides in the same household with a dependent child no less than 50 percent of the time in accordance with a shared custody agreement or order, pursuant to Reach Up Eligibility rule 2224.

- i. This term includes individuals who have entered into civil unions.
  - ii. This term does not include a pregnant person or caretaker relatives.
13. "PSE Household" means a family with a PSE participant.
14. "PSE Participant" means a parent who is receiving financial assistance, case management or support services through the PSE program in a PSE household.
15. "Postsecondary education (PSE)" means courses taken at an approved college by a matriculated or matriculating student.
16. "Satisfactory Academic Standing" means achieving the requirements determined by the academic policies of the college the PSE participant is attending.

### **2402 Eligibility Process**

- a. The eligibility process for PSE consists of the following steps an applicant takes to request benefits and the Department follows to determine eligibility and payments:
- 1. An application is needed to determine whether the applicant meets the financial and non-financial eligibility requirements for the PSE program, which includes:
    - i. Verification of necessary information related to eligibility conditions; and
    - ii. An interview to clarify information provided on the application, review of the rights and responsibilities of PSE participants and the Department, and an explanation of available case management services.
  - 2. Agreement by all applicants to certain non-financial eligibility requirements that are specific to the PSE program;
  - 3. Pre-PSE participation services may be provided to the PSE applicant, which include consultation with a case manager, assistance with the application and development of the PSE plan (rule 2406).
  - 4. Department approval of the PSE plan;
  - 5. Determination of initial or continuing financial and case management eligibility and the amount of PSE benefits;
  - 6. Written notice to applicants and participants of eligibility decisions;
  - 7. Authorization and payment of benefits for which applicants and participants are found eligible; and
  - 8. Case manager assignment by the Department.

### **2403 Application**

- a. A signed PSE application is required to request PSE financial assistance and services.

- b. Such application may be obtained online or by calling, writing, or visiting any of the Department's offices.
- c. Assistance in completing all parts of the application shall be available through Department district offices, pursuant to rule 2407.

**2404 Financial Eligibility**

- a. To proceed with the application process, the Department must first determine that the applicant meets the requirements for financial eligibility for the PSE program.
- b. The applicant shall complete a financial eligibility application, including provision of documentation to support a determination of financial eligibility.
- c. Applicants for PSE benefits must meet the same financial eligibility qualifications as Reach Up applicants according to Reach Up Eligibility rules.
  - 1. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to PSE recipients.
- d. PSE benefits shall be accepted in lieu of Reach Up benefits, if the PSE participant is eligible for Reach Up benefits.
  - 1. PSE participants currently receiving Reach Up benefits through vendor payments, due to difficulty in money management (Reach Up Eligibility rule 2220.1), must consent to continued vendor payments until such time as the household's essential expenses are current.
- e. PSE participants who receive PSE benefits shall assign all child support rights to the Department.
  - 1. The PSE participant shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support.
  - 2. The Department shall deny or terminate benefits to PSE participants who fail or refuse to apply for services from OCS.
  - 3. Noncooperation with OCS shall result in a 25% reduction of the PSE household's benefit (Reach Up Eligibility rule 2232.2).

**2404.1 Financial Eligibility Determination**

- a. Applicants shall demonstrate financial eligibility for the thirty-day period preceding the date of application.
- b. Gross income shall be the basis for determining financial eligibility for the PSE program.
- c. Verification of income shall be provided in accordance with Reach Up Eligibility rules 2208.3.
- d. The household's gross income minus the PSE participant's earnings shall not exceed 150 percent of the federal poverty level for the applicant's household size.
- e. Income shall be determined using Reach Up Eligibility rules 2248 - 2249.



**2405 Non-Financial Eligibility**

- a. All financially eligible households that apply to participate in the postsecondary education program must meet the following non-financial eligibility conditions:
  1. The applicant does not have a postsecondary undergraduate degree or, if the applicant already has a pre-existing postsecondary undergraduate degree, must meet the criteria in rule 2405.2.
  2. The applicant is a matriculating or matriculated student in a two-year or four-year postsecondary undergraduate degree program or a CCV applicant and provides the required documentation in rule 2401(09).
  3. Applicants who have applied to but have not yet been admitted to a postsecondary undergraduate degree program shall not be eligible for the PSE program until they provide documentation of admission.
  4. The applicant has been determined eligible for financial assistance from Vermont Student Assistance Corporation (VSAC), provides documentation of this eligibility, and can demonstrate the ability to cover tuition costs.
  5. The applicant agrees to limit employment to no more than 20 hours per week when school is in session.
    - i. At the PSE participant's request, an exception to the 20-hour limitation may be granted when the case manager has determined that both of the following requirements are met:
      - A. The increase in hours will not delay the student's progress or timeframe in obtaining the degree; and
      - B. The additional hours of employment are in a position that either will result in credits toward the PSE participant's degree or enhance their marketability in the field or their course of study.
      - C. This 20-hour limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, periods in which the PSE participant has been granted an exception, or any other term in which they are not taking any courses.
  6. Applicants/participants are not permitted additional hours of employment when school is in session if they are providing care in the following special situations:
    - i. Single-parent applicants/participants shall be considered to be employed 20 hours per week when they are providing:
      - A. Specialized foster care;
      - B. Professional parenting, or the equivalent to children in the custody of the

Department; or

- C. Professional parenting, or the equivalent to children not in the Department's custody but placed in foster care by a licensed child placement agency and receiving additional compensation for those services.
  - ii. An applicant/participant, who is the contracted developmental home provider for an individual placed by the Department of Disabilities, Aging, and Independent Living (DAIL) or a developmental or mental health services agency under contract with DAIL, shall be considered to be employed 20 hours per week.
- 7. The applicant and the applicant's household are Vermont residents (Reach Up Eligibility rule 2229).
- 8. The PSE participant continues to reside with and have physical custody of a dependent child.
- 9. If the applicant already is engaged in a two-year or four-year postsecondary undergraduate degree program at the time of application, the applicant is in good academic standing and provides documentation.
- 10. During the last year of the degree program, the PSE participant shall seek employment using the services of the college's career placement office or if no placement office exists, the PSE participant shall seek employment using the services of the Department of Labor's local career resource center.

#### **2405.1 PSE Skills Assessment**

- a. As part of the application process, the Department shall assess the applicant's basic skills in reading, writing, and mathematics to evaluate their ability to participate successfully in the PSE program.
- b. Such skills assessment may be waived when the applicant's record contains sufficient information to make this evaluation without the assessment, including the following:
  - 1. High school transcript;
  - 2. Rank in high school class;
  - 3. GED transcript;
  - 4. Responsibilities of jobs held;
  - 5. Responsibilities of volunteer work performed;
  - 6. Recommendations of teachers or employers; or
  - 7. Scores from standardized tests.
- c. If the skills assessment indicates that the applicant does not have the basic skills necessary to participate successfully in the PSE program, the applicant shall not be eligible for the PSE program.
- d. Applicants who do not have the basic skills necessary to participate successfully in the PSE program shall be referred, as appropriate, to Reach Up or VSAC for support for basic skills courses.

### **2405.2 Pre-Existing Undergraduate Degrees**

- a. Applicants are not eligible for the PSE program if they already have a postsecondary undergraduate degree unless they meet one of the following exceptions:
  - 1. If the applicant states that they are unable to perform the occupation for the pre-existing undergraduate degree because of a disability, the applicant shall submit medical evidence of the disability and evidence of its effect on their ability to perform the occupation.
    - i. The Department may request the services of a consultant if it is unable to make a determination based on the documentation provided by the applicant.
  - 2. If the applicant states that the occupation for the pre-existing undergraduate degree is obsolete or outdated and not marketable in the current labor market, the Department shall make a determination including consideration of the following factors:
    - i. Current licensing requirements for a particular occupation cannot be met by the applicant's previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program; or
    - ii. A person currently pursuing the same occupational goal would be required to complete substantially different requirements from those included in the previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program.

### **2406 Development of a PSE Plan**

- a. Each PSE plan shall include the following:
  - 1. The name and location of the college at which the applicant or participant is matriculating or matriculated;
  - 2. A statement of the occupational goal the applicant or participant intends to pursue after receiving the postsecondary undergraduate degree and why they wish to pursue this occupation;
  - 3. The labor market area in which the applicant or participant plans to seek employment;
  - 4. The field directly related to employment in which the applicant or participant proposes to complete the postsecondary degree;
  - 5. The supporting information that demonstrates the necessary connection between the employment goal and the field of study, including:
    - i. The job titles for other occupations that can be pursued with this degree and field of study;
    - ii. A description of the career exploration activities the applicant or participant has completed to gather this information; and
    - iii. A justification for the need of a four-year degree to achieve the occupational goal, if the

applicant or participant is seeking a four-year degree in a field in which a two-year degree is commonly accepted for entry into the occupation.

6. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participant plans to use to pay for these costs; and
  7. The number of hours scheduled for class time, the estimated number of hours needed for studying and preparing coursework outside of the classroom, and the method of documenting and verifying actual hours of participation and satisfactory progress.
- b. The Department may require inclusion in the PSE plan of one or more of the following activities to strengthen the link between the chosen field of study and the attainment of the stated occupational goal:
1. Paid employment;
  2. Work-study position;
  3. Practicum;
  4. Internship;
  5. Clinical placement;
  6. Laboratory or field work; or
  7. Some other paid or unpaid work activity or experience that will substantially enhance the applicant or participant's employability in the occupation specified in the PSE plan.

#### **2406.1 PSE Degree Completion Requirements**

- a. PSE participants shall complete their PSE degrees according to a schedule that ensures they will complete the coursework necessary in the following time-frames:
1. A two-year postsecondary undergraduate degree must be completed within three years;
  2. A four-year postsecondary undergraduate degree must be completed within five years; or
  3. A different time period if the below criteria are met:
    - i. When an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months will be deducted for every 15 credit hours;
    - ii. When a participant, who has already obtained a two-year postsecondary undergraduate degree through participation in the PSE program is pursuing a four-year postsecondary undergraduate degree, the time period that was used to obtain the two-year degree is subtracted from the five-year time period;
    - iii. When the applicant has provided documentation, to the satisfaction of the Department, that additional time is necessary for completion due to the applicant's

disability; or

- iv. When subsequent changes to the PSE degree completion requirement are made pursuant to rule 2419.
- b. The schedule should reflect consideration of and address the individual's existing circumstances and responsibilities that may reasonably affect their ability to maintain the completion requirement and eligibility.
  - c. Each month in which the participant receives PSE financial benefits or PSE support services shall be counted as part of the three-year or five-year completion requirements for PSE participation, regardless of whether the participant was taking one or more courses during that month.
    1. This shall include any month during a leave of absence pursuant to rule 2420 for which the participant receives PSE financial benefits or PSE support services.

#### **2406.2 Obtaining Approval of PSE Plan**

- a. A case manager shall review each PSE plan with the applicant or participant.
- b. The applicant shall not be eligible for the PSE program when the PSE case manager makes a determination that the applicant can achieve entry into the proposed occupation, or into a substantially similar occupation, by completion of an education and/or training program, whose duration is 12 or fewer months.
- c. The PSE case manager, together with their supervisor, shall approve, disapprove, or make recommendations for modifications to the PSE plan and provide notice of the decision (rule 2413).
  1. The applicant or participant shall receive a copy of the case manager's recommendations for modifications.
  2. The PSE plan shall be deemed disapproved if, within 30 days of receiving the PSE case manager's recommendation for modification, the applicant or participant does not submit a modified PSE plan and does not appeal the request for modification.
- d. If the PSE case manager disapproves or recommends modifications to the PSE plan, the applicant or participant shall be notified of their appeal rights.
- e. Each applicant or participant shall propose modifications to the PSE plan when necessary to respond to a recommendation for modification or to support a requested change, as specified in rule 2418.

#### **2407 Pre-Participation Services**

- a. Prior to the initiation of case management services, the Department may assist the PSE applicant with:
  1. Completion of all aspects of the financial and non-financial eligibility;
  2. Development of the initial PSE plan;
  3. Determination of the amount of the PSE financial benefit;
  4. Identification of majors or fields of study that are the most closely related to the applicant's

occupational goals;

5. Identification of colleges that offer the most appropriate programs to meet the applicant's occupational goals, taking into consideration household obligations and financial constraints;
6. Application for financial benefits; and
7. Coordination with Department case managers for applicants, who are recipients of Reach Up benefits.

#### **2408 Prioritizing PSE Applicants**

- a. If program funds are insufficient for all otherwise eligible applicants to participate, participation in the program shall be granted to applicants in the following order:
  1. Applicants without a college degree or who qualify for an exception under rule 2405.2 who also:
    - i. Have demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought; and
    - ii. Qualify for PSE financial benefits.
  2. Applicants who have had no postsecondary education and who qualify for PSE financial benefits.
  3. Applicants without a college degree or who qualify for an exception under rule 2405.2 who also:
    - i. Have already demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought; and
    - ii. Qualify for case management services, but do not qualify for PSE financial benefits.
  4. Applicants who have no postsecondary education and qualify for case management services, but do not qualify for PSE financial benefits.
  5. If the number of eligible applicant households in the priority group under consideration exceeds the number of openings for PSE, program eligibility will be determined by random selection from that group.

#### **2409 Financial Benefits**

- a. PSE households determined to be otherwise eligible for financial benefits under the applicable Reach Up Eligibility rules for income and resources shall receive PSE financial benefits equivalent to the Reach Up financial benefit for which they would have been eligible.
- b. The amount of PSE financial benefits shall be determined and verified by the Reach Up Eligibility rules.
  1. The initial amount of PSE financial benefits shall be determined at the time of admission into the PSE program and shall be recalculated if the household's circumstances change.
  2. The initial financial benefit payment shall be effective on the first day of the calendar month in which the PSE participant begins attending classes in the degree program, unless they fall within the exception in (3) below.
    - i. A household may not receive a PSE financial benefit and a Reach Up financial benefit for the same calendar month.

3. If the deadline for the decision on an application was extended pursuant to rule 2413 and there is insufficient time to terminate Reach Up benefits prior to the first day of the month in which the PSE participant begins attending classes in the undergraduate degree program, Reach Up benefits shall continue for that month in lieu of PSE benefits.
  - i. PSE benefits shall begin in the month following termination of Reach Up benefits.
4. Subject to notice requirements, eligibility for PSE benefits ends with the calendar month in which the PSE participant:
  - i. Begins an interruption in the program participation;
  - ii. Receives the two-year or four-year degree specified in the PSE plan; or
  - iii. The household becomes ineligible due to changes in the household's circumstances.
- c. All Reach Up Eligibility rules pertaining to eligibility and payment apply to the PSE program and are hereby incorporated into the PSE rules with the following exceptions:
  1. Deadline for Application Processing, Reach Up Eligibility rule 2207.3;
  2. Benefit Payment, Reach Up Eligibility rule 2214.1;
  3. Temporary Absence from the Home, Reach Up Eligibility rule 2228; and
  4. Appeal of Reach Up Decision, Reach Up Eligibility rule 2262.3(b) and (c).

#### **2410 Case Management Eligibility**

- a. All applicants who qualify for the PSE program are eligible for case management services.
  1. Applicants who qualify for participation in the PSE program but do not qualify for PSE financial benefits may receive case management services.
- b. A qualifying applicant/participant who is no longer eligible for PSE financial benefits due to a change in circumstances may continue to be eligible for case management during the academic year in which the loss of eligibility occurred and until the date of their next annual recertification, provided they meet all the criteria at rule 2405.

#### **2411 Continuing Eligibility**

- a. PSE financial benefits and case management services continue, as authorized, until changed or terminated due to:
  1. Change in circumstances (rules 2404 and 2405);
  2. Expiration of the annual review period; or
  3. Participant not providing information to complete the annual review (rule 2412).
- b. Continuing eligibility for financial benefits is determined using Reach Up Eligibility rules governing reported changes (Reach Up Eligibility rule 2211) when they occur and at the annual review.

- c. The participant's PSE plan (rule 2406), which includes non-financial eligibility requirements, shall be reviewed and revised as needed.

**2412 Annual Review**

- a. The Department shall conduct an annual review to determine continuing financial and non-financial eligibility for the PSE program and to determine the amount of any financial benefits.
- b. The annual review follows the same eligibility process and financial and non-financial eligibility as indicated in rules 2403, 2404, and 2405.
- c. Changes in PSE financial benefits, resulting from the annual review, shall be made as soon as administratively possible.
- d. Participants who qualify for the PSE program but do not qualify for PSE financial benefits may receive case management services.
- e. The annual review shall be final when all the following actions have been completed:
  - 1. Written notice of the Department's decision has been made available to the participant, including eligibility for case management services; and
    - i. An increase of financial benefits has been made available to the participant; or
    - ii. Authorization to terminate or reduce financial benefits has been processed.

**2413 Notice of Decision**

- a. Written notice of the decision on the financial eligibility application shall be given to the applicant within 30 days of the date the signed financial eligibility application was received.
- b. If financial eligibility is approved, the notice shall include the date on which eligibility for the PSE program will begin, the amount of financial benefits, and the applicant's appeal rights.
  - 1. An applicant may be financially eligible, but receive no PSE financial benefits, due to household income that is above the Reach Up financial eligibility limit.
- c. If financial eligibility is denied, the notice shall include the reasons for the denial and information on the applicant's appeal rights.
- d. Written notice of the decision on the nonfinancial eligibility application shall be made within 30 days of the date the initial or modified PSE plan was received or within 30 days of the date of the written notice of decision on the financial eligibility decision, whichever occurs later.
- e. If the applicant meets the PSE eligibility requirements but is denied admission under the PSE applicant prioritization stated in rule 2408, the applicant shall be informed that their application will be kept on file.
  - 1. Applicants who request that the application on file be considered in the future may be required to update the application and will be subject to the same determination and priority criteria as an



applicant submitting a new application.

- f. Written notice of the PSE annual review decision shall be provided to the participant within 30 days of the date when the financial eligibility application was received.
  - 1. The notice shall inform the participant whether they continue to be eligible for the PSE program and the amount of PSE financial benefits.
  - 2. If the participant is no longer eligible for the PSE program the notice will include the reasons for these decisions and information on appeal rights.

#### **2414 Case Management**

- a. Case management is the primary connection between participants and the PSE program.
- b. Case managers shall work closely with participants to maximize the likelihood that they will complete the PSE program successfully.
- c. Case managers will assist with eligibility determinations, revision and review of PSE plans, and career planning.
- d. Case managers shall provide other assistance and support, including referrals, in areas such as academic advice, financial aid, social services, and other State or federal benefit programs.

#### **2415 Availability of Case Management**

- a. Case management shall be available to all PSE participants from one month prior to the beginning of the academic term in which they will be taking classes until the month they complete the postsecondary undergraduate degree specified in their current PSE plan.
- b. Case managers shall meet in person or by telephone at least monthly, or more often as needed, with each participant to review academic progress, offer support services, and assist with PSE program participation.
  - 1. These meetings will be held in partnership with the college identified in the participant's current PSE plan and include academic advisors and other faculty, as needed.

#### **2416 Case Management Services**

- a. Case management services include:
  - 1. Assisting with the review and modification of PSE plans;
  - 2. Assisting participants in identifying majors or fields of study most closely related to their occupational goal, when a change in goal is proposed;
  - 3. Assisting participants in identifying colleges offering the most appropriate programs to meet their occupational goal, taking into consideration household obligations and financial constraints, when a change in goal is proposed;
  - 4. Assisting with identifying appropriate resources for academic advice and counseling;

5. Considering and authorizing requests for support services;
6. Arranging support groups or informational workshops for participants;
7. Scheduling annual review of continuing eligibility for the PSE program;
8. Considering and determining whether there is good cause for a leave of absence (rule 2420) in PSE program participation and whether changes to the PSE degree completion requirement should be granted (rule 2419);
9. Assisting PSE households in obtaining and maintaining community-based social services;
10. Referring PSE households to other State and federal benefit programs for which they may be eligible;
11. Assisting participants in applying for financial assistance, including tuition for summer programs available through VSAC;
12. Providing participants with information and referrals to career placement services; and
13. Maintaining participant records.

**2417 Support Services**

- a. Support services shall be provided within the limits of funds available to all PSE participants, as established by the Reach Up support services matrix, regardless of whether they are financially eligible to receive PSE financial benefits.
- b. Requests for support services shall be submitted to the participant's case manager.
- c. If the request for a support service is denied, the participant shall be given written notice of the denial, including the reasons for the denial and information about the participant's right to appeal.

**2418 Change in Occupation, Major, Degree, or College**

- a. The participant may apply to change the occupation, major, field of study, postsecondary undergraduate degree, or college specified in the PSE plan, as long as they can demonstrate the ability to complete the degree within the PSE degree completion requirements (rule 2406.1).
- b. If the participant proposes a change in occupation, major, field of study, degree, or college, the PSE case manager and, if applicable, the academic advisor shall approve the proposed change.

**2419 Change in PSE Degree Completion Requirement**

- a. PSE participants may request an extension to their PSE degree completion requirement (rule 2406.1).
- b. The completion requirement may be extended for verified good cause reasons that are beyond the participant's control including:
  1. The need to care for a family member with special needs;
  2. A serious physical or mental health problem of an expected duration of greater than two weeks;
  3. A learning disability;

4. The effects of domestic violence;
  5. The death, serious illness or accident of an immediate family member or person residing in the household;
  6. The unavailability of courses essential to the major, field of study or for general requirements of the college in a particular semester; or
  7. Some other equally disruptive set of circumstances, as determined by the case manager and approved by the Department.
- c. When a participant does not complete or receives a failing grade for a course, the case manager shall meet with them to determine if it is necessary to change the current PSE plan schedule to enable them to meet the requirements in rule 2406.1.
  - d. A participant pursuing a two-year postsecondary undergraduate degree shall be granted only one additional semester for good cause beyond the applicable completion requirement.
  - e. A participant pursuing a four-year postsecondary undergraduate degree shall be granted only two additional semesters for good cause beyond the applicable completion requirement.

#### **2420 Leaves of Absence**

- a. A participant may take a leave of absence for up to 12 consecutive months from the PSE program for any reason.
- b. The participant must notify the PSE case manager prior to taking the leave of absence to prevent the absence from being considered a de facto withdrawal from the PSE program.
- c. If all applicable financial and non-financial eligibility requirements are met (rules 2404 and 2405), a participant shall be readmitted to the PSE program for the academic semester that immediately follows the end of the leave of absence.
- d. A participant who is not readmitted into the PSE program for the academic semester immediately following the end of the leave of absence shall be considered to have withdrawn from the program.
- e. Time taken for leaves of absence shall not count against the applicable PSE degree completion requirements (rule 2406.1), except for any month during the leave of absence in which the participant receives PSE financial benefits or PSE support services.

#### **2421 Case Management During Leaves of Absence**

- a. While PSE financial benefits do not continue during any leaves of absence from PSE, limited case management through the PSE program shall be available for participants.
- b. Case management shall be provided at the request of the participant during leaves of absence.
- c. Monthly case management meetings are not required during PSE leaves of absence.
- d. The focus of case management during PSE leaves of absence shall be to assist the participant with successful reentry to the PSE program.
- e. Case management shall be provided by a participant's Reach Up case manager if they receive Reach

Up benefits during PSE leaves of absence.

**2422 Financial Benefits and Support Services During Leaves of Absence**

- a. PSE financial benefits and PSE support services shall not continue for households during leaves of absence from the PSE program.
- b. Households on leaves of absence from the PSE program may receive Reach Up benefits if they meet the Reach Up eligibility requirements.

**2423 Termination from the PSE Program**

- a. Participants shall receive notice of termination from the PSE program for the following reasons:
  - 1. Not meeting the financial (rule 2404) or non-financial eligibility requirements (rule 2405);
  - 2. Not cooperating or providing documentation, without good cause, with an annual review (rule 2412);
  - 3. Not making progress toward a degree, which cannot be cured by changes in the PSE degree completion requirement (rule 2419);
  - 4. Not maintaining good academic standing (rule 2405);
  - 5. Not cooperating with PSE program requirements;
  - 6. Voluntary withdrawal from the PSE program or from college, unless the participant plans to attend a different college and the change in college has been approved pursuant to rule 2418;
  - 7. De facto withdrawal from the PSE program;
  - 8. A determination that an affirmative initial financial eligibility or recertification decision was incorrect due to inaccurate or incomplete information regarding the household's income; or
  - 9. Not maintaining physical custody of and residency with a dependent child.
    - i. Termination of financial benefits shall occur immediately following proper notice.
    - ii. Termination of case management services will occur at the end of the semester during which the parent is determined to no longer qualify for the program.
- b. The PSE case manager shall notify participants they will receive a notice of termination from the PSE program unless they provide documentation within 30 days to demonstrate compliance with the following requirements:
  - 1. Limitation on employment (rule 2405);

2. Vermont residency (rule 2405);
  - i. A participant may receive extensions of 30 days at a time to comply with the residency requirement if:
    - A. The reason for change of residency was for a verified good cause reason beyond the participant's control; and
    - B. The participant intends to return to Vermont.

**2424 Readmission after Withdrawal from the PSE Program**

- a. A participant who has been terminated from the PSE program due to a voluntary or de facto withdrawal from the program may be readmitted to the PSE program once within their lifetime.
- b. As part of the readmission process, the months in which the participant previously received PSE financial benefits or PSE support services shall count towards their PSE degree completion requirement (rule 2406.1).

**2425 Notice of Appeal Rights**

- a. The Department shall provide all PSE applicants and participants with written notice of their appeal rights at the time of their application and each time they receive notice of any department adverse action or decision.
  1. Department adverse actions are decisions that may deny, modify or terminate a PSE applicant's or participant's eligibility.
- b. The written notice shall include:
  1. The reasons for the adverse action or decision;
  2. How appeals may be initiated;
  3. Where a person may obtain a copy of the Human Services Board rules;
  4. Where to obtain legal assistance, if needed; and
  5. How to obtain interpretation services, if needed.
- c. Applicants and participants have the right to appeal decisions relating to all aspects of their eligibility for the PSE program and the right to request a fair hearing before the Human Services Board.
  1. A request for a fair hearing on an applicant's or participant's appeal of a Department decision must be made within 90 days of the mailing date of the notice of decision.
- d. When adverse action results in termination of eligibility for the PSE program the Department shall mail notice of the determination to the participant at least 10 days before the effective date of the adverse action.

- e. When an action terminating a PSE program benefit based on non-financial eligibility criteria is appealed, the benefit shall not continue at the prior level pending the outcome of the appeal.
  - 1. Retroactive coverage shall be provided in any case in which the Human Services Board reverses the action that was appealed.
  
- f. When an action reducing or terminating PSE financial benefits is limited to and based on the household's income, resources or both, a request for a hearing, either verbal or written, made within 10 days of the mailing date of a notice of decision to decrease or terminate benefits may preclude the Department from implementing the proposed adverse action.
  - 1. Reach Up rule 2262 is applicable to continuing benefits, recoupment, and retroactive payments.

**2426 Severability**

- a. If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.