

**Chapter 2: RULE GOVERNING THE COMPETITIVE SKILLS SCHOLARSHIP PROGRAM**

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## **PURPOSE**

This rule implements the Competitive Skills Scholarship Program (CSSP) enacted pursuant to PL 2007 Ch. 352 and codified at 26 MRSA chapter 25, subchapter 5. CSSP is intended to provide individuals with access to education, training and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force.

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## **SECTION 1: DEFINITIONS**

1. **Bureau** is the Maine Department of Labor, Bureau of Employment Services.
2. **Department** is the Maine Department of Labor.
3. **Commuting area** means the 50-mile radius, by road, from the participant's place of residence.
4. **Dependent child** means a child under 19 or under 24 if full time student residing with the applicant more than half the year or is a person with a disability of any age and did not provide more than 50% of their own support.
5. **High compensation** means median wages that are at or above the median wage for all occupations in Maine.
6. **Occupation in significant demand** means an occupation with a projected growth rate that is equal to or greater than the average growth rate for all occupations in Maine.
7. **Household or family** means the applicant or participant and all persons residing in his or her residence that are related by blood, marriage, domestic partner registration or decree of court, and are his or her spouse, registered domestic partner, guardian, parent or a dependent child. However, the following individuals are considered a separate household of one: a) a person who is living with his/her family, who is not married, who is eighteen (18) years or older and who is receiving less than 50% maintenance from the family and is not one of the parents of the family; b) person fourteen(14) years or older who is not married and not living with his/her family, and c) a disabled individual fourteen (14) years of age or older. (NOTE: if an applicant with a disability is eligible based on income and family size if he/she is not treated as a separate household, he/she need not be treated as a separate household.)
8. **Individual Service Strategy (ISS)** means, for the purpose of this rule, the individual career plan that is developed by the participant and the case manager. The ISS includes all funding sources planned to meet the participant's needs, including CSSP resources and resources other than CSSP. This rule applies to any ISS that includes CSSP funding.
9. **Marketable postsecondary degree** means an industry recognized credential, vocational certificate or license, associate degree, bachelor's degree or a graduate level certification/advanced degree. A degree is considered unmarketable when (a) the applicant can show that the credential prepared them for a specific occupation that they are no longer able to perform due to physical or mental health limitations or (b) the applicant can show that the credential was received over 20 years ago and was intended to prepare the individual for a specific occupation which they have not worked in for the last

15 years or (c) The degree, credential or license was obtained in another country or jurisdiction and is not recognized by the appropriate professional licensing body as a marketable degree in Maine. CSSP funds may be used to assist individuals licensed in other states or foreign countries obtain licenses/credentials recognized in Maine.

- 10. Written or writing** means writing on paper or in electronic format such as email. Email may only be used by the Department to deliver notices affecting an applicant or participant's rights or responsibilities (for example, an eligibility decision or an ISS) if the notice is also delivered in hand or by mail.
- 11. Applicant** means an individual who has applied for CSSP where eligibility may or may not have been determined.
- 12. An applicant becomes enrolled as a participant** once the ISS is approved and signed by the CSSP applicant and by the CareerCenter manager.
- 13. Participant** means an eligible individual enrolled in the program.
- 14. Bridge Program Participant** means a high school Junior or Senior enrolled in the Early College and Career and Technical Education Program (ECCTEP).
- 15. Labor Market Area** means a geographic area in Maine where the CSSP applicant or participant can reside and find employment within commuting distance or through relocation.

## **SECTION 2: ELIGIBILITY**

**1. Criteria.** Within the limits of available program resources (taking into account ongoing commitments to current participants), an applicant will be eligible for CSSP if the applicant applying for CSSP meets the following:

- A. Resident of and lives in Maine.
- B. Is at least 18 years of age or enrolled in the ECCTEP;
- C. Is legally eligible to work in the United States;
- D. Does not have a postsecondary degree that is marketable in Maine;
- E. Has income of less than 200% of the poverty level for the household size as calculated in paragraph 2 of this section;
- F. Is seeking education or training for an occupation approved according to Section 4;
- G. Has the ability to undertake and complete the education or training program. An applicant's ability is determined pursuant to Section 6.3.

**2. Determining Financial Eligibility.** An applicant is financially eligible for CSSP when the applicant's household income, other than excluded income, is below 200% of the federal poverty guidelines. When determining the income of the applicant's household:

**A. Household.** The income and the size of the household are determined by the members of the household at the time of application.

**B. Household income.** The case manager calculates the sum of the last four weeks of income, excluding income that is no longer received, of each household member (except dependent children) and excluding and including sources of income as provided in this section. If the last four weeks of income does not accurately reflect the income anticipated in the future, the case manager will use documentation and other information provided by the applicant to make a best estimate of income for the following four weeks.

- (1) **Included income.** Unless specifically excluded, include all income of all household members, except children, including the following:

- Wages and Salaries before Deductions
- Net Non-farm Self-Employment
- Net Farm Self-Employment
- Regular Payments from Social Security
- Railroad Retirement
- Strike Benefits from Unions
- Workers' Compensation
- Training Stipends (but not CSSP training stipends)
- Wages Subsidized by OJT Contracts
- Alimony
- Military Family Allotments/Other Regular Support
- Pensions - Private
- Government/Military Retirement
- Regular Insurance/Annuity Payments
- Dividends/Interest
- Net Rental Income/Net Royalties
- Periodic Receipts from Estates or Trusts
- Net Gambling or Lottery Winnings
- Vocational Rehabilitation Payments

- (2) **Excluded Income.** The following income is excluded in determining household income:

- Disability Insurance (SSDI)
- Unemployment Compensation
- Child Support Payments
- AmeriCorps Living Allowances
- Social Security Old Age Survivors Insurance (OASI) & Survivor's Benefit Payments
- TANF\* Refugee Assistance\* General Assistance
- Capital Gains
- Foster Care Child Payments
- Assets Withdrawn from a Bank
- Sale of Property/House/Car
- Tax Refunds
- Earned Income Tax Credit
- Field Placements
- Gifts

Loans  
Lump-Sum Inheritances  
One-time Insurance Payments  
Student Loans  
One-time Compensation Payments for Injuries  
Non-Cash Benefits, including, but not limited to:  
Employer Paid Fringe Benefits  
Food/Housing Received in Lieu of Wages  
Medicare  
Medicaid  
Food Stamps\*  
School Meals  
Housing Assistance  
Supplemental Security Income  
TAA/TRA Payments  
All federal and state need-based financial aid resources granted through the financial aid award process  
Income of dependent children  
Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service connected death, vocational rehabilitation, and education assistance.

Any income that the household no longer receives.

\* Households receiving TANF, Food Stamps or Refugee Assistance are categorically deemed to meet the financial eligibility criteria of CSSP

**C. Verification.** Verification of facts relevant to CSSP eligibility criteria is accomplished using the same procedures as is required in Maine by the Workforce Innovation and Opportunity Act (WIOA), except that the previous four weeks of included income must be verified with documentation (for example, wage stubs or an employer's statement or other documentation).

**3. Period of eligibility.** Once an applicant is fully eligible for and enrolled in CSSP they remain eligible until the completion of her or his education and training program pursuant to Section 6.13.A, the participant is terminated from the program after notice of termination and the opportunity to appeal or the participant has voluntarily withdrawn from CSSP.

**4. Termination from CSSP.** A participant shall be terminated from CSSP if the participant has failed to make satisfactory progress pursuant to Section 6; the participant voluntarily withdraws from CSSP, fails to provide documentation of satisfactory progress, falsifies or misrepresents CSSP eligibility, training or support service need, or has misused funds or refused to cooperate pursuant to Section 6. Participants terminated from CSSP for intentionally falsifying or misrepresenting information under Section 2.4 are not eligible to reapply to CSSP. No case manager may send a notice of termination from CSSP before his or her supervisor has reviewed the matter and approved.

**5. Emergency Leave or Gap in Program Services.** Participants may request to be placed in a gap for a maximum of 52 weeks under circumstances beyond their control. While placed in a gap, the participant will not be eligible to receive any CSSP program services. Participants terminated due

to exhausting allowable gap time have the option to reapply to the CSSP program during an open application period.

## **SECTION 3. APPLICATION AND DECISION**

**1. Application.** Applications will be made available to individuals at the CareerCenter and on the CareerCenter website as funding and training opportunities are available. Original signed applications must be submitted to the CareerCenter. ECCTEP applicants under the age of 18 must have their application signed by a parent or legal guardian, except in the case of emancipated minors. Applications submitted more than six months in advance of the applicant's intended start of their education or training program will not be considered for CSSP.

**2. Eligibility determination.** Eligibility is determined in a two-stage process. Stage One; initial eligibility is determined based on review of the applicant's age, Maine residency, household income, and eligibility to work in the United States pursuant to Section 2. 1. A. B. C and E. In Stage Two, the CareerCenter works with the applicant who is initially eligible to assess the lack of a marketable postsecondary degree pursuant to Section 1.9; ability to succeed in their program pursuant to Section 6.3 and whether the employment goal meets the criteria of Section 4. If the assessment determines that the applicant lacks a marketable postsecondary degree, has the ability to succeed and that their employment goal meets the criteria of Section 4, they are fully eligible for CSSP.

**3. Decisions.** The case manager and the participant will develop an ISS pursuant to Section 6. The ISS must list the services that will be provided pursuant to this Rule. The ISS, and any amendments to an ISS, constitute a decision and must be printed, signed by the participant, and a copy provided to the participant. A decision regarding initial eligibility, the applicant's ability to succeed in their program, or whether the program meets the requirements of Section 4 may be appealed under Section 7. Every decision regarding initial eligibility, ability to succeed or the program meets the requirements of Section 4 must be in writing, must be sufficiently specific for the applicant or participant to understand why it is made, and must be given in hand or mailed to the applicant or participant .

## **SECTION 4: HIGH COMPENSATION OCCUPATIONS WITH DEMAND FOR SKILLED LABOR**

**1. Choosing industries and occupations.** The education or training provided through CSSP must be for full-time employment with high compensation occupations with significant demand for skilled labor in Maine. The industries that meet these criteria are chosen by the following process:

- A. **Review of Statewide recommendations.** At least annually, the Commissioner will review recommendations and labor market analysis from the Maine Department of Labor's Center for Workforce Research and Information (CWRI) listing high compensation occupations in significant demand in Maine, will seek a recommendation from the State Workforce Investment Board , and will approve a final list (hereinafter referred to as the "occupations list") annually . Once approved, the list will be posted on the Maine Career Center website on the Competitive Skills Scholarship Page.

- B. **Regional and industry specific recommendations.** If a regional organization, including a Local Workforce Investment Board established pursuant to the Workforce Investment Act, a business or business organization, industry partnership, an educational institution, a labor organization or similar group, perceives a demand for an occupation or occupations with high compensation in their region that are not included on the approved occupations list, they may petition the Commissioner by sending a letter of request with supporting evidence of high demand and high compensation to include them.
- C. **Individual petition.** An applicant who seeks to pursue training or education for an occupation in Maine that is not on the occupations list, may petition by letter the Director of the Bureau for a determination that the education or training that they seek may be supported by CSSP. The petition will be granted if the applicant can demonstrate that the occupation offers high compensation and is in sufficient demand that the applicant is likely to find employment in the region(s) where they intend to seek work. To demonstrate demand, applicants must include documented evidence from at least one employer that the occupation being requested for inclusion on the approved occupations list is a high-wage, high demand occupation in Maine.

**2. Honoring educational commitments.** The removal of an occupation from a list applies only to those newly eligible for CSSP and does not apply to participants enrolled in CSSP before the occupation was removed.

**3. Informing Applicants and Participants.** The Maine occupations list and a list of services provided by CSSP must be provided to every CSSP applicant or participant prior to the development of the ISS.

## **SECTION 5: NO SUPPLANTATION; MAXIMIZING USE OF OTHER RESOURCES**

**1. No supplantation.** No CareerCenter or organization receiving CSSP funds may supplant other funds with CSSP or CSSF funds. Competitive Skills Scholarship Funds (CSSF) and other sources of funding available to assist people pursuing post-secondary education shall be combined to maximize available dollars. Policies affecting eligibility standards or level of education, training and support services available for individuals in post-secondary training and education under WIOA shall not be changed by local WIOA areas so as to reduce the level of such services absent written approval of the Director of the Bureau. The local WIOA areas must expend the percentage of WIOA spending on education and training established in their local WIOA plans.

- A. **TAA and TRA.** Individuals eligible for Trade Adjustment Assistance (TAA) must exhaust all other resources needed to participate successfully in their training program. If a participant receiving TAA needs a support service that is not available under TAA in order to participate successfully in his or her training program, eligibility for that support service under CSSP may be determined. Persons eligible for a TRA allowance are not eligible for the CSSP training stipend under section 6.11 of this rule. The case manager will determine whether applicants to CSSP may be eligible for TAA or a TRA allowance.

**B. WIOA.** Participants enrolled in both WIOA and CSSP shall receive WIOA services in accordance with the written WIOA policies (including policies that determine the amount or nature of education, training and support services) that are applicable to all WIOA participants in the local WIOA area. Taking into account written local WIOA policies and CSSP rules, each ISS should maximize the availability of education, training and related support services from all funding sources. All ISS plans containing CSSP funding must be reviewed by the CareerCenter Manager designated by the Director of the Bureau. WIOA assistance shall not be reduced if a person who is already participating in WIOA applies for and is eligible for CSSP unless WIOA funding committed to the participant under local WIOA policy or WIOA funding for education and training and related support services for the region has been exhausted. For WIOA enrolled participants eligible for CSSP, written documentation must be obtained by participant case managers from the WIOA service provider that education, training and support service funds have been exhausted. This documentation is required before CSSP funds may be used to support a current WIOA funded Individual Service Strategy.

The Bureau of Employment Services (BES) will review WIOA and CSSP expenditures annually to determine the extent to which both are being maximized for education and training and related support services.

- C. Dislocated Worker Benefits (DWB).** Applicants and participants who are likely to be eligible for Dislocated Worker Benefits must apply for those benefits. If a participant is determined eligible for DWB, the participant is not eligible for the CSSP training stipend.
- D. Vocational Rehabilitation.** If an applicant or participant who has a disability is eligible for funding from Vocational Rehabilitation (VR) or a similar program that assists in providing education or training, then, to the extent that funding is available in a manner that does not delay commencement of their program, VR funding must be obtained. CSSP services necessary to participate in the education or training program and that are not available through VR may be provided. Case managers must assist those with a disability in accessing other programs that may assist them with education, training and support expenses in addition to assisting in access to CSSP.
- E. Parents as Scholars.** Parents who are eligible for Parents as Scholars (PaS) (which provides support for education similar to CSSP) may not simultaneously be eligible for CSSP. Parents with children who receive TANF will be required to apply for PaS by contacting their ASPIRE case worker. Single parents or two-parent families in which one parent is disabled or unemployed with household income below 75% of the poverty level are required to apply for TANF and Parents as Scholars at the Department of Health and Human Services if they have not done so already.
- F. Financial Aid.** Aid from CSSP must be calculated only after all other federal, state and campus-based sources of financial aid (not including loans or federal work study) have been considered. Applications for Free Application for Federal Student Aid (FAFSA) are required. Student loans are not required to participate in CSSP and the decision to apply for student loan assistance is left to the discretion of the CSSP participant to cover unmet costs of participation in her or his education and training program. If the financial aid administrator confirms in writing that an application for federal financial aid would be futile then the applicant or participant need not apply and CSSP may assist.

**2. Identifying Non-CSSP Supports.** The case manager and the applicant or participant must identify other sources of support in addition to CSSP that are available and required to participate in his or her education or training program.

**3. Documentation.** Support from programs other than the CSSP to which the participant has been referred, has applied for, receives or expects to receive must be documented in the ISS.

## SECTION 6: INDIVIDUAL SERVICE STRATEGY DEVELOPMENT

**1. Informed Career Planning; Individual Service Strategy.** For purposes of this rule, the ISS is the individual career plan that is developed by the participant and case manager. The ISS includes all funding sources planned to meet the participant's needs, including CSSP resources and resources other than CSSP. Those ISS plans that include CSSP funding must comply with this rule. CareerCenter staff must endeavor to assure that all applicants and participants, before their ISS plans are developed, are fully informed of the opportunities available to them through CSSP as well as through other programs. In addition to the occupations established in Section 4, applicants and participants must be provided, in writing, a complete list of education, training and support services available through CSSP so that need for services can be determined per Section 6.3 . A list of the same services must also be made available to CareerCenter customers so they may understand the opportunities available if they wish to apply.

**2. Timing.** The ISS must be created within forty-five (45) days from the date of Stage Two eligibility determination pursuant to Section 3.2. Services provided under the ISS and enrollment in CSSP commence as a participant when the ISS is signed by the CSSP applicant and the CareerCenter manager or her/his designee.

**3. Comprehensive Assessment.** The comprehensive assessment determines whether an applicant who is Stage One eligible for CSSP has a marketable post-secondary degree, the ability to succeed in their program and whether their education or training and related occupational goal meets the criteria of Section 4. The assessment also assists the applicant and case manager in determining the applicant's education and training and support service needs. The case manager and the applicant must:

- A. Review the industries and occupations available pursuant to Section 4, together with labor market information about the demand for employment in Maine and within her or his labor market area, the value of wages and benefits, educational requirements of the training, total occupation and training program costs and availability of educational programs for her or his employment goal.
- B. Verify the applicant is admitted to a diploma, certificate, or degree program at an education or training institution that is eligible to receive financial aid funds under the Higher Education Act or in a CSSP approved certificate or industry recognized training provider program.
- C. Assess, determine the need for and list the various supports including total costs of all support services that may be available within and outside of CSSP that are necessary for the applicant to succeed educationally and survive financially during the course of his or her education.

- D. Assess whether prerequisite, developmental, English language learner or refresher courses and a high school diploma, equivalency or general equivalency diploma are required to participate successfully in a program leading to a postsecondary degree, certificate or credential recognized by industry or trade. Determine if pre-requisite, developmental, English language learner or refresher courses and high school diploma or a high school equivalency diploma and the minimum requirements of the education and training program can be met within the 52 week time period pursuant to Section 6.6.
- E. Determine the applicant's ability to succeed in her or his program by assessing; interests in field of study and employment, high wage and significant demand employment opportunities within their labor market, academic achievement and aptitudes required of the training program and occupation, transferable work skills related to the employment goal, physical capacity to perform the work, financial subsistence capability for the duration of the training program, ability to complete the program pursuant to Section 2.1 and 6.6, and reemployment services needed to prepare for job search.
- F. Determine if the applicant has a marketable postsecondary degree pursuant to Section 1.9.
- G. Determine capability to participate successfully in online courses required of the education and training program.
- H. Determine if a disclosed physical or cognitive disability may have vocational implications on training, employability or fulfilling the requirements of the occupation and whether appropriate accommodations will be needed.

#### ***4. Selecting an employment, occupational and education or training goal***

The applicant selects his or her employment, occupational and related education or training goal that is within their current or planned labor market area. The applicant's goal must be within the occupations in significant demand established in Section 4. CSSP will support the education or training needed to achieve that goal if it results in a postsecondary certificate, undergraduate degree, or similar credential that is universally recognized and accepted by the trade, industry or employers in which the applicant intends to seek employment and in jobs that will provide access to a career pathway leading to substantial improvement in his or her capacity to earn wages and benefits. A program is a postsecondary program if a person entering it has a high school diploma, or a high school equivalency diploma before they enter the program that will grant the credential she or he seeks. The ISS must state:

- A. The occupational goal and the education or training required to meet that goal.
- B. The expected compensation on entry to the occupation and as an average for the occupation based upon available Maine labor market data for her or his labor market.
- C. A reference to Section 4 showing the occupational goal is either on the occupations list or meets the individual petition requirements.
- D. A list of potential employers within her or his labor market who may employ graduates of the education and training program.
- E. Section 6.3 documentation that supports the education and training plan.

**5. Selection of education or training program.** An education or training program must be at the lowest cost available within his or her commuting area, provided that it is of good quality as determined by CSSP. Online courses or programs, regardless of their base of operations, are considered to be within the person's commuting area. Programs must meet one of the following criteria; be on the State WIOA or TAA eligible provider list, recognized by trade or industry associations, endorsed by a consortium of employers to address a skills gap, recognized and accepted by a professional licensing board or be accredited by a regional or national accrediting body recognized by the U.S. Department of Education. All participating education or training programs must offer degrees, licenses or be recognized as preparing someone to meet their professional licensing requirements; industry-employer recognized certificate(s) or credential(s).

- A. Public vocational schools, community colleges or university programs are presumed to be the lowest cost alternative unless there is evidence to the contrary. Contrary evidence must be documented and may include, but is not limited to, scholarship/financial aid offer(s) from an approved program or improved access to required courses, clinical placements or internships.
- B. For any developmental, prerequisite, English Language Learner or refresher program priority will be given to Maine Adult Education and the College Transitions Program or programs approved by the Department that are the most cost effective. Expenditures from the participant's federal financial aid award to cover these costs should be avoided.
  1. The duration of developmental, prerequisite, English Language Learner or refresher courses must relate directly to her or his education or training program as developed through the assessment and shall not exceed 52 weeks in duration from the date of enrollment in the first course. The correlation between the duration of this education and his or her employment and education goal must be documented in the ISS.
  2. Participants enrolled in developmental, prerequisite, English Language Learner or refresher courses must attend full time to be eligible for the training stipend. Full time in these programs is equivalent to a minimum of twelve (12) hours per week of classroom training. Participants are required to participate in the maximum number of hours necessary to reach the developmental, pre-requisite, English language learner goals in the shortest amount of time possible within the 52 week period as determined by the education and training provider.

### C. Location of Training

1. Preference must be given to training that is offered within her or his normal commuting area. If more than one training provider exists offering training for the same credential of comparable quality within the commuting area, then the least expensive training institution will be chosen. Documented scholarship/financial aid packages offered and/or improved access to required courses, clinical placements or internships must be considered when determining the least expensive training option. When suitable training is not available within the commuting area, training outside the area may be authorized if available at a reasonable cost pursuant to this Section.
2. Training programs located outside of Maine shall not be approved unless appropriate training is not available within the state and within her or his commuting area pursuant to Section 1.3. Training programs located outside the State of Maine may be approved if the training program is within her or his commuting area. Any training program conducted at a

location outside the United States is not allowed unless it is in Canada and within her or his commuting area.

3. On-line courses or programs, regardless of their base of operations are considered within her or his commuting area.

**6. Duration of Education or Training.** The participant must participate in year round training as classes are available by the training institution. Participants in postsecondary degree and certificate programs must complete her or his education or training program within the following class time schedule: 6 years for a four year degree; 3 years for a two year degree and 18 months for a one year diploma or certificate program. Class time begins with the first day of the first week of training. Participants in non-degree or certificate programs or other non-postsecondary training programs must complete their education and training program within the time defined by the training provider. If the participant requires developmental, English Language Learner, refresher or prerequisite education, then, to the extent required, the maximum duration may be extended up to an additional 52 weeks beginning with the first day of class . This paragraph should not be construed to prevent a participant who began in CSSP with a goal of a one year diploma or certificate or a two-year undergraduate degree to then choose to pursue a two year degree or four year undergraduate degree in a related field so long as the total length of the program to attain the degree does not exceed 3 or 6 years respectively. CSSP funds may not be used to assist participants in obtaining their master's or doctorate degree. The Director of the Bureau, the Commissioner or the Deputy Commissioner of the Department may waive or extend this provision if exceptional circumstances are shown.

**7. Document in ISS.** The ISS must document comprehensive assessment outcomes pursuant to Section 6.3 including but not limited to; the participants employment goal, employers who may employ program graduates within her or his labor market area, the education and training program, all education and training providers, the location of the training provider, the postsecondary certificate, degree or industry recognized credential the participant seeks, any remedial, English language learner, pre-requisite or refresher courses the participant will take, the length of time the participant expects to take to complete her or his education or training including pre-requisites pursuant to Section 6.6, an enumerated list of education, training and support services with their estimated costs that CSSP will provide, a financial subsistence plan including all sources of income supports, financial aid or other financial contributions in support of and for the duration of the plan, and specific job search activities.

## **8. CSSP Education. Training and Support Services**

### **A. Provisions applicable to all CSSP services**

1. CSSP provides education, training and support services, as provided in this rule, that are not reasonably available from another publicly available source and that are necessary for participants to successfully complete the education and training program established in the ISS. All costs for services and goods must be pre-approved and verified with documentation before they are paid by CSSP.
2. CSSP assistance must not exceed that which is necessary for the individual to participate in his or her plan. Any ISS resulting in totals for a participant for a state fiscal year cost (except for the cost of CSSP stipends and the cost of Childcare described in Section 6) projected to be greater than \$6,000 for a full time student and \$3,000 for a less than full time student must be approved by the Director of the Bureau, the Commissioner, or the Deputy Commissioner. Full-time and less than full time student status is defined by the institution the person attends.
3. CSSP pays only for the least expensive education or training program or support service provided that it is accessible for the participant and is of acceptable quality as determined by CSSP. Documented

scholarship/financial aid packages offered and/or improved access to required courses, clinical placements or internships must be considered when determining the least expensive training option.

4. Any documented and substantiated knowing and intentional misuse of funds, purchased goods, services, and/or knowingly and intentionally falsifying or misrepresenting CSSP eligibility information and/or need for training or support services by a participant will be grounds for termination from the program.
5. CSSP participants are required to cooperate in providing information available to them for the purpose of investigation of Section 6.8.A.4 and CSSP quality or financial control audits. Failure to cooperate is grounds for termination from the program.
6. CSSP services may be adjusted and provisions in this Chapter may be disregarded to the extent necessary to reasonably accommodate a person with a physical or mental disability pursuant to the Americans with Disabilities Act and Maine's Human Rights Act. Such adjustments must be approved by the case manager's supervisor and noted in the ISS.

**B. Student Aid.** Delivery of CSSP education, training and support services must be structured in a manner that maximizes other sources of student financial aid, excluding loans. For CSSP services that are also included in the cost of attendance, as defined by the institution, CSSP will cover unmet need as determined by the institution after all other public and private sources of grant aid, including institutional aid, have been applied, to the extent permitted by this rule. If financial aid is available, case managers must refer participants to the financial aid offices of the education and training institution involved and, as needed, to other organizations that may assist in helping with the financial aid process. To maximize financial aid the case manager and the participant must consider:

1. Whether to request the financial aid office to exercise professional judgment in calculating the student's financial aid. (A list of reasons for which professional judgment may be exercised will be provided to the participant and the case manager.)
2. How much, if any, "unmet need" the participant has when determining their financial aid and how much of the financial aid package is in the form of loans.
3. The costs counted toward the cost of attendance in determining the financial aid.
4. Incurring student loans to cover education and training programs costs otherwise not covered by CSSP and other sources of state and federal aid is at the discretion of the participant.

**C. Tuition and fees.** CSSP may assist with tuition and mandatory fees up to the usual rate charged by the institution, but no more than the in state per credit hour cost established for the University of Maine. CSSP also assists with reasonable costs associated with credential evaluation and/or prior learning assessments that may allow the participant to progress more quickly through his or her education or training program.

**D. Support services.** The following support services are available to eligible CSSP participants with unmet need and determined necessary for the participant to successfully complete his or her education or training program pursuant to Section 6.3.C and 6.3.E.

- 1. Childcare.** CSSP pays for 100% of the costs of childcare for children in the participant's household who are under the age of thirteen (13) or physically or mentally incapable of caring for themselves. In

situations that are not included above but are recognized to exist and are authorized by the case manager's supervisor, CSSP will pay for 100% of the costs of childcare when it is required for a participant to meet his or her education or training obligations. Conditions that must be met to obtain childcare assistance are as follows:

To be eligible for childcare from CSSP, participants must agree to apply for any publicly available funding for that care that may be available. Participants requiring childcare must be referred to the appropriate agency in their area that administers subsidized childcare programs. Participants with children 3, 4, or 5 years old must also be referred to the Headstart program in their area. CSSP assists with childcare during times, including time spent on a waiting list, that other funding does not.

Participants are not required to agree to apply for or accept childcare that limits their choice of childcare provider except that the care must be provided by a licensed or registered childcare provider or a legal in home provider. If the provider is caring for more than two (2) unrelated children, then the home must be licensed or registered prior to commencement of CSSP paid childcare.

CSSP will pay for 100% of the costs of childcare at a rate that is no more than the Child Care Market rates determined by the Office of Child and Family Services, Early Childhood Division and paid by the Maine Department of Health and Human Services.

To maintain continuity of childcare services, and if it is the established practice of a childcare provider to charge the general public for such periods of time, CSSP may pay the provider for holidays, semester breaks, and, as needed, up to thirty (30) days prior to the onset of a person's program in order to secure a childcare slot.

Childcare providers who are paid by CSSP must allow access to the child by the custodial parent or legal guardian (or others with express written permission of the custodial parent or legal guardian), during hours that the child is in care. CSSP does not pay childcare providers who are members of the participant's household or who have a legal obligation to support the child.

## **2. Transportation.** CSSP will provide assistance with transportation as follows:

Mileage. The shortest mileage to and from the education or training institution and the participant's home, permitting stops to drop off or pick up children may be reimbursed at the mileage rate established for employees of the State of Maine and the cost of tolls. This reimbursement is provided to any participant who travels 10 miles or more (each way) from his/her home to the training facility and/or to drop off or pick up children for those days when he/she participates in scheduled classes. Mileage reimbursement is limited to a maximum of 250 miles per week. If other forms of transportation such as car pool or public transportation are reasonably available in light of the participant's schedule, the department provides the cost of the less expensive transportation.

(a) Auto Repairs – During the enrollment period, CSSP pays up to a maximum of \$600 per participant for automobile repairs while participating in her or his education or training plan. Funds may be used based on the participant's need to cover the costs of unanticipated automobile repairs while in training, to the extent it is necessary for the vehicle to operate or pass inspection. CSSP pays only repairs on a vehicle that is registered to and operated by the participant as necessary to participate in her or his program. CSSP requires that a copy of the automobile registration be submitted prior to approval of repairs. Other conditions for auto repair assistance include the following:

Repair costs must be approved in advance of the actual service. The participant is required to provide estimates and evidence of the need for the repair, which has been signed by licensed inspection

mechanics, prior to approval being given. A licensed shop of the participant's choice may perform the actual repair. The participant must request payment or reimbursement for repairs.

Payments of approved repair costs are made only following submission of an itemized bill.

**9. Books, supplies, tools, equipment, services and uniforms.** CSSP pays for required not recommended books, supplies, tools, equipment, services, uniforms or similar education or training-related items. To be reimbursed they must be required for everyone in the class or program. The need for books, supplies, tools, equipment, services and uniforms must be documented by the education and training provider.

If a participant is enrolled in a college degree program and does not have reasonable access to a computer of sufficient capacity to successfully participate in their program, CSSP may contribute one time for the purchase or upgrade of a computer. CSSP trainees not enrolled in college degree programs will need to provide documentation from the training provider that a personal computer is required for their successful participation in the training program.

CSSP will only purchase books, supplies, tools, computer, equipment, services and uniforms and other required items once. Upon purchase, the item(s) become the property of the participant and the responsibility to replace or repair the item(s) if stolen, damaged or lost is the participant's.

**10. Unanticipated needs.** If a need arises that is not enumerated in these rules and is not covered by other sources, but is necessary for successful participation in the participant's education or training program, the case manager may authorize up to \$1000 per year per participant up to a maximum of \$2000 per participant for the period of CSSP enrollment to meet such unanticipated need. Typically, unanticipated needs must be caused by loss of or change in household income, loss of financial or other subsistence or loss of services resulting in unanticipated needs. Such needs may include the threatened disconnection of a utility, the loss of heat or shelter, prescription medication not covered by insurance or similar needs that if not met could derail a participant's successful participation in their program. Unanticipated needs may also include eye care or dental care that is not covered by other sources. The dental care must be necessary to alleviate pain for the participant to participate in his or her education or training program or to apply for or take employment and must conform to MaineCare rates where such a rate is scheduled. If there is not a scheduled MaineCare rate, CSSP pays for the least expensive dental service necessary to correct the condition upon receipt of verification of cost and need in writing from a dentist. CSSP may request a dental review by a dentist retained by the CareerCenter if rates or the need for the service are in question. CSSP may pay the cost of eye care that is necessary for the participant to successfully participate in his or her education or training program. Payment for eye care appliances must be for the least expensive quality option to correct the deficiency. Authorization for unanticipated needs by a case manager must be approved by the CSSP Program Manager. Payment under this section should be made only if the need cannot be resolved with assistance from another available source and only if the dollars available under this section (alone or in combination with other resources) are sufficient to resolve and prevent a re-occurrence of the need.

**11. Training Stipend.** Participants whose annual household income is below 125% of the federal poverty level are eligible for a monthly training stipend for any month in which the participant must attend his or her postsecondary or industry recognized education or training program. Eligibility for the stipend must be determined annually or when household income increases above the 125 poverty level. To be eligible for the stipend in a given month, the participant must attend a minimum of two full weeks of scheduled classes and be enrolled in a minimum of 12 credit hours of classes or in full time student status as defined by the training institution. For those participating full-time, the stipend equals one-fifth of the maximum weekly unemployment benefit in Maine (as determined annually by the Bureau of

Unemployment Compensation) and will be paid monthly. Full time student status does not include courses, credit or classroom hours in whole or in part that must be repeated due to unauthorized withdrawal or failure to pass the course. No more than two stipends may be received in a household even if there are more than two household members participating in the program. Full-time and less than full-time student status is defined by the institution the person attends unless these rules specifically state otherwise.

Participants who are eligible for dislocated worker benefits, unemployment compensation or Trade Readjustment Act benefits are not eligible for a CSSP stipend in any month that they are eligible for and receiving one of these benefits. Participants who are eligible for and receive any income pursuant to Section 2.2.B excluding student loans, non-cash benefits, income of dependent children, and all federal and state need-based financial aid resources granted through a financial award process, that in their aggregate benefit exceed 125% of the federal poverty level are not eligible for the stipend. Dependent children enrolled in CSSP are not eligible for the stipend. Participants must disclose receipt of such benefits and be referred to the appropriate source to determine if they may be eligible for such benefits prior to the receipt of the stipend.

Participants who have no ongoing room and board expenses are not eligible for the stipend. Therefore, participants living in a residential healthcare facility, a correctional facility, a dormitory or a homeless shelter are not eligible for the stipend. (Participants living in a homeless shelter, however, may be eligible for an emergency payment (Section 6.10 – Unanticipated Needs) to assist in obtaining stable housing if it would prevent homelessness from derailing the participant's successful participation in his or her education or training program.)

## **12. Other Documentation in ISS**

Other Documentation in the ISS must include:

- A. Amendments.** The ISS may be amended at any time due to unanticipated or changed circumstances, provided that the program will be completed within the time established under paragraph 6 of this section.
- B. Right to appeal.** Each ISS and ISS amendment must include in plain language notice of the participant's right to appeal as described in Section 7 and notice of how to file an appeal or request a hearing if he or she is dissatisfied with the ISS.

## **13. ISS Review**

The terms of the ISS, including eligibility for a CSSP stipend, must be reviewed by the case manager and the participant every school term, or no less than every six months.

- A. Satisfactory Progress.** To remain eligible for CSSP education, training and support services, participants must demonstrate satisfactory progress in their education or training program. A participant is making satisfactory progress if they maintain satisfactory academic or training progress as determined by the education or training institution where they attend and remain able to complete their program within the time specified in Section 6.6 and document satisfactory progress to the CSSP case manager. A participant will be placed on CSSP probation if their grade point average falls below 2.0 or if a participant is placed on "academic probation" by the educational institution. He or she will have one term in which to regain satisfactory progress before being terminated from CSSP financial assistance for education, training or support

services. Participants who fail to maintain or regain satisfactory progress in their education or training program will remain eligible for CSSP job search assistance in support of employment.

## **SECTION 7: APPEALS**

1. ***Appeal to CSSP Program Manager.*** An applicant or participant (or parent or legal guardian of an applicant or participant who is a minor) who is dissatisfied with a CareerCenter's decision related to the eligibility for or the provision of CSSP services has the right to file a written appeal with the CSSP Program Manager within 30 days of the decision. If no appeal is filed, the CareerCenter decision shall become final. If the customer files a written appeal within ten (10) days of a decision to terminate the participant from the program or terminate or reduce assistance provided for in a currently effective ISS, then the decision will not be implemented pending the outcome of the administrative appeal process. Any writing may be used to file an appeal. The CSSP Program Manager will issue a written decision within fifteen (15) days of the filing of the appeal. The decision may reflect an agreed resolution to the appeal or, if no agreed resolution was reached, it will reflect the CSSP Program Manager's decision.
2. ***Appeal of CSSP Program Manager's Decision.*** The applicant or participant (or parent or legal guardian of an applicant or participant who is a minor) may appeal the CSSP Program Manager's decision by filing a written request for a hearing by a hearing officer. The request must be filed with the Program Manager within 30 days of the date of issuance of the CSSP Program Manager's Decision. If no appeal is filed, the Program Managers decision shall become final. The 30-day appeal period may be extended up to 15 additional days if the individual can show good cause for failing to appeal within the initial 30-day period. Upon receiving a request for a hearing, the Program Manager shall forward it, together with a copy of the decision being appealed, to the hearing authority designated by the Department.

The Administrative Hearing Officer shall conduct a hearing in accordance the *Maine Administrative Procedure Act* 5 M.R.S.A. ch. 375, subchapter 2 and render a decision within 30 days of the hearing request. The Hearing Officer may affirm, set aside, modify or remand the CSSP Program Manager's decision. A hearing decision affirming, setting aside or modifying the CSSP Program Manager's decision pursuant to this section is final agency action and may be appealed to the Superior Court.

3. ***Notices.*** All decisions regarding eligibility for CSSP or regarding the benefits provided under CSSP, including the ISS, must be in writing and must provide notice to the applicant or participant of his or her right to appeal to the Program Manager, and if dissatisfied with that decision, to appeal by requesting a fair hearing. CareerCenter staff shall assist applicants or participants who express a desire to file an appeal or hearing request with the process.

## **SECTION 8. GENDER EQUITY**

The CSSP goal for placing participants in education or training leading to nontraditional occupations (NTOs) is the same as for any policy in WIOA that is designed to provide an incentive for greater enrollment into NTOs. In addition to tracking NTO training and job placements, the Department will track participation based upon occupational goal and level of education required by gender.

## **SECTION 9. LIMIT ON ADMINISTRATION AND CAREER COUNSELING**

Beginning in state fiscal year 2008-2009, the Department shall expend no more than ten percent of the annual revenue to the Competitive Skills Scholarship Fund on career counseling and administrative costs.

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STATUTORY AUTHORITY: 26 M.R.S.A. ch. 25 sub-ch. 5

EFFECTIVE DATE:

May 14, 2008 – filing 2008-197

AMENDED:

July 23, 2008 – Sections 1 and 6, filing 2008-320

March 25, 2009 – filing 2009-123

March 22, 2010 – filing 2010-84

April 15, 2014 – filing 2014-066 . The rule adopted on March 21, 2014 will apply to individuals who receive their scholarships after the adoption date of March 21, 2014. The rule adopted on March 21, 2014 is not retroactive to current participants, who received their scholarships under a previous version of the rule.

December 22, 2015 – filing 2015-249