

**Maine Department of Labor
Bureau of Employment Services**

**Basis Statement
and
Summary of Comments and Responses**

Chapter 2 Rule Governing the Competitive Skills Scholarship Program

This rulemaking is to repeal and replace a rule pertaining to the Competitive Skills Scholarship Program.

The amended rule clarifies existing definitions and adds new definitions; clarifies the eligibility requirements; clarifies the documents needed to verify financial eligibility, identity, and Maine residence; clarifies the process for eligibility determination; clarifies the duration of the education or training; makes changes in accordance with P.L.2023, Ch. 184 for participants in registered apprenticeship and certified preapprenticeship programs and provides for cost of licensing or certification.

This rulemaking of the Bureau of Employment Services is authorized by 26 M.R.S. § 2033. The proposed Rules were posted on October 11, 2023. A public hearing was held on Friday, November 3rd at the Maine Department of Labor, Frances Perkins Conference Room, 45 Commerce Drive, Augusta ME 04330. The public comment period ended November 17, 2023. Public comments were received from the following:

- Commenter # 1: Chris Hastedt, Maine Equal Justice (In-person and written comments submitted)
- Commenter # 2: Scott Cuddy, Maine Labor Climate Council (In-person and written comments submitted)
- Commenter # 3: Tom Fernands, Eastern Maine Development Corporation (Virtual)
- Commenter # 4: Carry Gosselin, Competitive Skills Scholarship Program (Virtual)
- Commenter # 5: AFL-CIO (Written comments submitted)
- Commenter # 6: Denis Lehouillier, IBEW 567 (Written comments submitted)

Summary of Public Comments and Responses

1. **Generally.** Expressed thanks for the revisions that were provided and indicated that comments would be submitted separately in writing. (Commenters 1, 2)
Response: Thank you for the comments
2. **Determining order of funding.** Asked for clarity in determining the order of funding when two (or more) funding providers are funders of “last resort” (Commenter 3).
Response: CSSP funds and other sources of funding available to assist people pursuing post-secondary education should be leveraged/combined whenever possible to maximize available dollars. No changes will be made to the rule in response to this comment.

3. **Eligibility of TANF recipients.** Asked for clarity regarding CSSP applicants who are also TANF recipients needing to apply for the Parents as Scholars (PaS) program. (Commenter 4)

Response: Parents who receive Temporary Assistance for Needy Families (TANF) will be required to apply for Parents as Scholars (PaS). Eligibility for both programs will require coordination of services, and funds being leveraged/combined whenever possible to maximize available dollars. No changes will be made to the rule in response to this comment.

4. **Section 1(13). Labor Market Area.** We urge you to clarify the definition of “Labor Market Area” so that any relocation must reflect the intent of the participant and may not be viewed as any manner of program requirement. In some other programs that participants may be familiar with, relocation is seen as a requirement. We suggest the following language: “Labor Market Area means a geographic area in Maine where the CSSP applicant or participant *resides or intends to reside* and find employment within that commuting distance”. We believe that this clarification is consistent with the intent of the Bureau and suggest it only to prevent any misunderstanding that eligibility may be based on an individual’s willingness to relocate to improve their employment prospects. (Commenter 1)

Response: Accepted suggestion. “Intends” will be added to the final Rule.

5. **Section 1(14). Marketable Post-Secondary Degree.** We support the addition to paragraph 14 of language addressing circumstances where the applicant can show that a credential that they currently have does not prepare them for employment in their labor market area earning at least the CSSP median wage. We suggest a grammatical change to ensure that this paragraph is correctly read—that is, to place semicolons between each of the sub-paragraphs (a) through (d) and the word “or” between (c) and (d). (Commenter 1)

Response: Accepted suggestion. Grammatical changes will be made in the final Rule.

Also we ask you to add a separate paragraph defining the “CSSP median wage” including a link to where that data can be found and noting that this refers to the median *hourly* wage. (Commenter 1)

Response: The CSSP High-Wage In-Demand (HWID) list changes bi-annually, therefore a link would not remain active/accurate. The following was added to this section. [The CSSP HWID list, including the CSSP median wage, can be found on the CSSP website.](#)

6. **Section 1(15). Occupation in Significant Demand.** Here too, we ask that you include a link to the DOL list of occupations in significant demand so that this information may be readily found by applicants and participants. (Commenter 1)

Response: The CSSP HWID list changes bi-annually, therefore a link would not remain active/accurate. The following was added to this section. [The CSSP HWID list can be found on the CSSP website.](#)

7. **Section 2(1)(C). Legally eligible to work; removal.** We strongly support the removal of the current language denying eligibility to those without a work permit, or other legal authority to work in the US. This proposal makes great sense, as the period while an individual is waiting to secure a work permit is a particularly opportune time to improve their English language proficiency along with gaining new skills to improve their prospects for economic security in their new home. Thank you for proposing this change. (Commenter 1)

Response: Thank you for the comment.

We note that the CSSP application currently includes a question asking if a person is a US citizen. We ask that you remove that question in order to avoid any confusion about whether the answer has any bearing on CSSP eligibility. (Commenter 1)

Response: The question asking if the individual is a US citizen will be removed from the CSSP Application. No changes will be made to the rule in response to this comment.

8. **Section 2(1)(G). Visa Holders.** While we recognize and respect the desire to avoid enrolling people in CSSP who are here only on a temporary basis, we note that visas on which people entered this country do not necessarily reflect their current status, or their intent to remain in the United States. We suggest borrowing language from the General Assistance program statute to define people who may have entered on a temporary visa, but intend to remain in this country (thus qualifying for CSSP) as those: “who are pursuing a lawful process to apply for immigration relief.” This would apply to those who intend to apply for asylum, whether or not they have actually done so. This recognizes the time, preparation and care that it takes to file an application for asylum. (Commenter 1)

Response: Suggestion accepted. This section now reads: “Individuals with Nonimmigrant Visas who have entered the United States on a temporary basis – for tourism, medical treatment, business, temporary work, study, or other similar reasons are not eligible to apply for or participate in CSSP unless the individual is pursuing a lawful process to apply for immigration relief.”

9. **Section 2(1)(E). Education and Training degrees/credentials.** Again, we want to offer our strong support for the proposed changes to this paragraph which makes clear that an otherwise eligible individual engaged in a registered apprenticeship or certified pre apprenticeship program will be deemed eligible for CSSP consistent with new Maine law. (Commenter 1)

Response: Thank you for the comment

10. **Section 2(1)(G). State employees' exclusion.** We object to the exclusion of State employees from CSSP eligibility as both a matter of policy and law. First, while we understand that you propose this change to prevent any appearance of conflict of interest, we believe that if a person is otherwise eligible under the law and rules, any decision to enroll them is entirely defensible. Moreover, there are state employees who currently earn less than the CSSP median wage and would benefit from the purpose of the CSSP program 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 in accordance with the provisions of this section.” There is no fair or objective rationale to justify the exclusion of those living at the same level of poverty as others who qualify and would benefit equally from this opportunity. If there is a problem with a person getting an unfair advantage in the application process, that is a problem that must be addressed through improved management of the application process, not by penalizing an otherwise eligible individual simply because they are a state employee. Furthermore, the Bureau does not have the statutory authority to add eligibility exclusions administratively that are not explicitly excluded by Maine law. The statute provides an exclusive list of eligibility criteria for CSSP and this prohibition is not among them. While the Commissioner has the authority to propose rules implementing the statute, that authority does not extend to adding additional eligibility criteria not otherwise provided in law: “The commissioner shall adopt rules to implement the program in a manner that maximizes successful education and training opportunities for participants and to provide for its fair and efficient administration in accordance with this section.” We believe that the proposal does not “implement”, but rather impermissibly expands the eligibility requirements in the statute, and that it is inconsistent with the “fair and efficient” administration of the governing law. (Commenter 1 and 5)

Response: Accepted Suggestion. The section excluding State Employees from CSSP eligibility will be removed from the final Rule.

11. **Section 2(B). Household Income.** We ask you to add a provision to the rule related to income eligibility to address the relatively common circumstances that occur when a person is anticipating a change in income but their income has not yet actually changed. Currently income eligibility is based upon income received in the last four weeks prior to application. If that does not accurately reflect future anticipated income the case manager will look to the best estimate of income for the following four weeks. We recommend extending this period to consider estimated changes to income to be consistent with other provisions in this rule. (Commenter 1)

Response: If the four weeks prior to application do not reflect future anticipated income, we consider the following four weeks. The applicant is still required to

provide documentation confirming income eligibility. If the next four-week income still does not meet eligibility, the applicant is encouraged to submit a new application when their household income meets the eligibility requirements. No changes will be made to the rule in response to this comment.

The current rule also provides that applications may be submitted up to 6 months in advance of the applicant's expected start date of their education or training program—often before income has actually changed. We strongly support this provision as this amount of advance time is essential to allow for the planning time involved in making this kind of change. It is easy to imagine that a person applying for CSSP may not see a change in income within the four weeks following application, but rather may continue to work closer to the period when they expect to start school. To address this we ask that you conform this income-counting provision to the application period so that eligibility may be determined based on reasonably anticipated changes in income that may occur following application, but *prior to the start date of the program*. (Commenter 1)

Response: Applications are received and determined for initial eligibility based on the initial application date. Any student expecting to begin training with 6 months of the application date can continue the enrollment process. Household income is not re-evaluated while waiting for training to begin. Once fully enrolled and participating in CSSP, income is not re-evaluated except for determining eligibility of CSSP stipend. No changes will be made to the rule in response to this comment.

In this same section, we note potential for confusion related to the discussion of “included” and “excluded income”. The formatting of the proposed rule makes it appear that these two groups of income apply only to “household income for *dependent* applicant[s]”. We believe that these paragraphs are intended to apply to all applicants. If we are correct we suggest modifying the structure to better reflect that intent. (Commenter 1)

Response: The structure of this section will be modified in the final Rule.

12. **Section 2(C)(2). Excluded income; non-recurring lump sum income.** We ask that you explicitly exclude all “non-recurring lump sum income” in determining household income. This is a typical exclusion for most public programs because this type of income is not ongoing and thus unreliable for future support. Non-recurring lump sum income would include things like retroactive lump sum payments for past due public benefits, retroactive earned income, insurance settlements, proceeds from the sale of property, earned income or other tax credits, corrective payments if underpaid by a public program, or inheritances. (Commenter 1)

Response: “Non-recurring lump sum income” will be added to the Excluded income list.

We are particularly concerned that such language be added as certain items in the current list relate to a particular kind of lump sum or one-time payments. The fact that these are included, and others are not would be read to exclude those similar types of payments not specifically named. We suggest excluding all such payments so as to ensure that, for example, a retroactive SSI payment is not counted in

determining CSSP eligibility. This point would be further strengthened by amending the language in the “Included Income” section above to read as follows: “ **(1) Included income.** Unless specifically excluded, include all *regular* income of all household members, except dependent children, including the following:...”

(Commenter 1)

Response: Language in the final rule will be changed to: “Unless specifically excluded, include all regular income of all household members, except dependent children and dependent CSSP Bridge applicants, including the following:”

13. **Section 2(C)(2). Excluded income; categorical eligibility.** We greatly appreciate the addition of the categorical eligibility provision at the end of the excluded income list. It is an important provision that will save administrative time and reduce burden for applicants. To ensure that it is most effectively communicated, and given the prominence that it deserves, we request that you add it as a new subsection, perhaps as “(C)(3). Categorical Eligibility.” directly under (C)(2) Excluded Income. (Commenter 1)

Response: “Category C3 Categorical Eligibility” will be added to the final Rule.

14. **Section 2(D). Verification; Age and Identity.** We appreciate that the proposed rule provides an extensive list of acceptable documents to verify age and identity. We ask that you also include an additional item to this list to read: “other documentation approved by the bureau.” This will ensure that any document that may not have been available or inadvertently omitted at the time this rule is adopted will be accepted. Our proposal provides the Bureau with the discretion to accept a document or not, but allows for anything that may have been inadvertently omitted from this list to be considered with your approval.

(Commenter 1)

Response: “Other documentation approved by the Bureau” will be added to the Identity and Age Verification section of the final Rule.

15. **Section 2(D). Maine Residency Requirement.** We ask that you consider two suggested changes to this provision. First, because we encounter so much misinformation and misunderstanding about the concept of “residency”, and because it is defined differently for different purposes, we ask that you begin this section with a definition of residency. For this purpose we propose the following: “Residency means that you are living in Maine and intend to remain here.” This is a standard definition in many public programs. (Commenter 1)

Response: “Residency means that you are living in Maine and intend to remain here” will be added to the Maine Residency Verification section of the final Rule.

Next we suggest that you include rent receipts and property tax bills in the list of acceptable verification of residency. (Commenter 1)

Response: Thank you for the comment. “Rent receipt and property tax bills” will be added to the list of Maine Residency Verification documents in the final Rule.

Here too we ask that you add “other documentation approved by the Bureau” for the reasons listed above. (Commenter 1)

Response: “Other documentation approved by the Bureau” will be added to the list of Maine Residency Verification documents in the final Rule.

16. **Section 2(D). Household Income Verification.** We ask that you modify the paragraph related to those receiving TANF or SNAP to require only that they provide a portal print out verifying confirmation of continued benefits and remove the requirement that they also provide their DHHS Notice of Decision. We find that individuals frequently do not keep notices of decisions for these programs. Moreover, if applicants have verification of continued receipt that typically is more recent and reliable evidence of benefit receipt. If, however, persons are not able to provide a portal print out showing current receipt of one of these benefits, they should be allowed to provide any other reasonable evidence of continued receipt of benefits, e.g. bank statements showing automatic deposit. Finally we suggest that the final rule be modified to allow not just a “print out” but a “screenshot” or “digital copy” as well to accommodate those without printing capability.

We make this request in the interest of taking all possible steps to lessen the burden of applying for CSSP. The importance of reducing such burden is widely recognized. Unnecessary requests for documentation and information have been correlated to barriers to successful program participation. Recently, the Office of Management and Budget (OMB) has prioritized the reduction of unnecessary documentation and bureaucratic barriers that prevent participation in public programs for all federal agencies, including the Department of Labor.

(Commenter 1)

Response: Language in the final rule will be changed to: “Applicants receiving Temporary Assistance for Needy Families (TANF) or Food Stamps (SNAP) can provide a current Department of Health and Human Services (DHHS) Notice of Decision (NOD), a current screenshot, digital copy or printout of their portal showing current receipt of benefits or other reasonable evidence of continued receipt or benefits, e.g., bank statement showing automatic deposit.”

17. **Section 3. Application and Decision Generally.** We ask you to add language to this section requiring that CSSP applications, decisions, training plans, outreach and documents intended to provide general information to potential program applicants be made available in plain language and in languages accessible to persons with Limited English proficiency (LEP). (Commenter 1)

Response: Thank you for the comment. No changes will be made to the Rule in response to this comment, but the Department is and will continue to prioritize accessibility, including plain language and translation of vital documents across programs.

In addition to the CSSP application being accessible to those with LEP, we also specifically request that the rule require that the application include a question allowing the applicant to list their preferred language. We request that this question allow the applicant to list any language that applies, and to avoid a check

box which may or may not include a language they prefer. While we were not able to take a comprehensive look at the CSSP application online without actually filling one out, we do not believe that this question is currently asked (as it is on the Unemployment Insurance application). Once the applicant lists their preferred language we ask that the rule require all future communications with that individual be conducted in that language. (Commenter 1)

Response: Thank you for the comment. No changes will be made to the Rule in response to this comment, but a question allowing the applicant to list their preferred language will be added to the CSSP application. In addition, a question will be added asking if the applicant would like to access interpreting services.

We understand and appreciate the steps that the Bureau is already taking to ensure that vital program information is communicated in a manner accessible to all who wish to apply. In the interest of ensuring that applicants have access to all available resources, we also suggest this information include referral to the Peer Workforce Navigator Program for anyone seeking additional help from a third party like the Peer Workforce Navigator Program in understanding and accessing the CSSP. As part of the Bureau's overall commitment to improving program access, we strongly urge you to incorporate this key outreach requirement in rule. This will reinforce the seriousness of the Bureau's commitment to ensuring that claimants will have meaningful access to information regarding their rights and responsibilities in the CSSP. (Commenter 1)

Response: Thank you for the comment. The CSSP Team are trained and knowledgeable of supportive programs and services, including the Peer Workforce Navigator Program. The Team looks forward to continued conversations that help to improve applicant understanding of and accessibility to CSSP. No changes will be made to the rule in response to this comment.

We further urge you to include language in the final rule making clear that when notice directed to a claimant is inadequate with regard to literacy or language access for that individual, it must be treated as if no notice has been given. In such cases a new notice must be given. This requirement will help to ensure that claimants do not lose their appeal time for failure to understand a notice that they have received but could not read or comprehend.

As you know, the US DOL has issued important guidance in this area urging states to communicate with claimants using plain and understandable language. With regard to individuals with LEP, it has issued similar guidance. The basis for this guidance is Title VI of the Civil Rights Act of 1964 which provides that no person shall "on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Maine Human Rights Act has similar language intending to prevent discrimination specifically in employment and education based on a variety of characteristics including ancestry or national origin and to continually review and correct State policies and practices that may result in discrimination.

The US DOL has also provided specific guidance with regard to ensuring access for individuals with low literacy noting here that communications can cause undue stress if

“the information presented is confusing, written at an advanced reading grade level or too legalistic”. Thus the federal agency has provided significant resources to achieve the goal of conveying notices and other material describing important legal information in a way that claimants will adequately understand it, know what to do next, and be better able to learn payment status and appeal options. As with LEP, we strongly urge you to adopt a rule requiring that all notices and forms, including public information, related to CSSP use plain language and be available to the greatest extent possible in language accessible at a 6th grade level. (This is in addition to our request above that material must be available in the individual’s preferred language).

We note that the Maine legislature has required the Maine Department of Health and Human Services to provide TANF “program information to the public in written form understandable at the 6th-grade reading level and orally as needed.” While we recognize that the 6th grade reading level may not always be possible with every document, we urge you to include language in the final rule providing that “the Bureau, to the greatest extent feasible, will attempt to use plain language in notices and other vital communications understandable at a 6th grade reading level.”

As we refer to federal US DOL guidance we understand that the CSSP does not receive federal funds. However, the agency that administers it does, and we are hopeful that you will strictly observe federal guidance in this important area. Further the Maine legislature has required that all rules be in plain language and would expect that all material produced pursuant to those rules also be in plain language. (Commenter 1)

Response: Thank you for the comment. This comment will be shared with the CSSP Team as a reminder to prepare all written communication that is clear, concise, and easy to understand. Written communication at a 6th grade level may compromise the accuracy when explaining complex rules or regulations. All decisions regarding eligibility for CSSP or regarding benefits under CSSP include the right to appeal within 30 days of the decision. 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 30-day period. No changes will be made to the rule in response to this comment.

Section 3(1). Application. We urge you to modify the language in the second sentence of this subsection to substitute the word “preferred” for “necessary”. Applicants should not be held to the standard of “necessity” in order to access a paper application. In some cases this may be a simple preference but in other cases a paper application may be requested because the individual does not have convenient access to a computer or printer, or is unfamiliar with completing online applications. Others may believe that it is simply a more reliable way to ensure that an important application is received. For whatever the reason a printed application should be available to them simply on request.

In addition to providing a paper application on request, we ask that the CSSP application online, also be made available as a fully printable pdf so that a person assisting an applicant can print out the complete form from the website and help the applicant complete it in the most convenient manner for that assister. We note

that a complete version cannot be printed out from the current online version.

Additionally, should these subsections be numbered A, B, C, etc rather than 1, 2, 3, following the numbering/lettering convention used above? (Commenter 1)

Response: Thank you for this comment. Any applicant who finds it necessary to complete a paper application vs the online application would be allowed to do so. A complete version of the application cannot be printed from the current online version, but a printable PDF application will be posted to the CSSP website. No further changes will be made to the final rule in response to this comment.

18. Section 3(2). Eligibility Determination, Stage 2. We have three recommendations related to Stage 2 determinations.

First, we request that in confirming marketability of a credential under 1(14), you include gathering of information regarding *all* the criteria at 1(14), including whether person is no longer able to perform prior occupation due to physical or mental health limitations, and whether the prior credential does not prepare them for employment earning at least the CSSP median wage. (Commenter 1)

Response: Language will be updated in the final rule to read: “Any prior earned degrees or certifications will be reviewed for marketability pursuant to Section 1.15. Confirmation of marketability may involve gathering evidence such as documentation from an approved medical or mental health professional, copy of a degree, prior licensing information, testing results, transcripts, credential evaluation, employer statement, current job postings and occupation wage rates.”

Second, we object to the proposed language which reads: “CSSP funds can be used to assist in credential evaluation/translation if other resources are not available.” This language implies that the use of CSSP funds for credential evaluation/translation “can be used” but not that they *must* be used when not otherwise available.

While we understand that this language may have been proposed with good intent to help maximize funding, Maine law is mandatory on this point, requiring that: “The costs for an educational transcript, credential evaluation or similar requirement needed to determine eligibility for the program *must be paid* for by the program for any applicant who is otherwise eligible for participation, as determined by the department, if funds are not reasonably available from another source for this purpose.” [Emphasis added]. We ask that the final rule make clear that these services “must be made available to the applicant if they are not available from another source (excluding federal financial aid) and the applicant is eligible.”(Commenter 1)

Response: Language in the final rule will be changed to: “CSSP funds must be available to assist in credential evaluation/translation if other resources are not available.

Finally, in addition to requiring that the case manager determine whether the

occupation selected is on the high wage/in demand job list, we ask that you add that if an occupation is not on the list, the individual be assisted in petitioning for a determination of whether their chosen occupation may be approved in accordance with Section 4 (1)(C). (Commenter 1)

Response: The following language will be added to the final rule: “If the occupation the individual requests is not on the HWID list, the individual will be guided in petitioning for a determination of whether their chosen occupation may be approved in accordance with Section 4 (1)(C).”

19. **Section 3(2). Eligibility Determination, Stage 3.** We urge you to make two changes to the proposed rule at Stage 3.

First, the law is clear that the determination of “educational ability” must be made by the educational institution. It states that a person is eligible if they have “the aptitude to undertake and complete education or training *as determined by the institution providing the education or training.*” [Emphasis added]. We ask that you make explicit in the final rule that this determination is made exclusively by the institution. (Commenter 1)

Response: Thank you for the comment. While CSSP accepts an education institutions determination of eligibility, some situations require further determination, such as students applying for CSSP when they are on academic probation. Additional supports, such as remedial or refresher courses may be required for the student to remain enrolled with the educational institution. An applicant’s refusal to access additional supports may result in being determined ineligible for CSSP enrollment at that time. No changes will be made to the Rule in response to this comment.

Second, there is no provision in the statute permitting eligibility to be based on a determination of the applicant’s financial ability to successfully participate and complete the program. The Bureau does not have the authority to establish additional eligibility requirements by rule as discussed above. While we appreciate the desire to ensure that the applicant will be successful, we suggest that a more appropriate role for the case manager is to assist the applicant in accessing any available financial aid or other resources necessary to participate. Moreover, we fear that a determination of “financial” ability is a complex one that could lead to arbitrary determinations and impermissible denials of eligible individuals.

(Commenter 1)

Response: During the eligibility determination process, CSSP staff and the applicant discuss the overall ability to obtain the training and occupational goal of interest. Their financial ability is discussed at this time. Staff assist individuals by referring to other sources of funding if CSSP, scholarships, Pell Grants, loans etc. do not result in an attainable financial plan. If all efforts to secure a financial plan are unsuccessful, the applicant may be determined ineligible at that time. No changes will be made to the rule in response to this comment.

20. **Section 3(2). Training Plan Development (ISS).** We urge you to make two changes to this paragraph.

First, we recommend that the rule provide a voluntary referral to the Peer Workforce Navigator Program in advance of meeting with their CSSP case manager to develop the ISS if the applicant wants assistance from a third party in better understanding the program, its resources, and their rights and responsibilities as participants before engaging in the ISS process. (Commenter 1)

Response: The development of the Training Plan is completed after considerable discussion between the CSSP Case Manager and Applicant. Applicants and participants are closely connected to members of the CSSP Team, who are trained in and knowledgeable of resources able to assist participants, including the Peer Workforce Navigator Program. No changes will be made to the rule in response to this comment.

Second, the statute is clear that “[c]areer counseling must include developing a plan and assisting a participant in accessing the support necessary for the participant to participate in the plan.” Additionally, it requires that “[t]he plan must include the education or training program approved, the degree or credential expected at program completion and the services and support to be provided under the plan.” In view of these requirements we strongly urge you to include language in the final rule specifying the education or training program approved, and making clear that support services necessary to participate and available under Section 8 must be included in the ISS. We note that this is included in Section 6(7) below and request it appear here in the section directly related to training plan development as well. (Commenter 1)

Response: Thank you for the comment. Instead of duplicating information that is already included in 6.7, the following notation will be added to the final Rule. “See section 6: Individual Service Strategy Development”.

21. **Section 3(3). Decisions.** We suggest leaving the language requiring the ISS to list the services and supports provided under the plan in place as it reinforces the requirements at Section 6(7). We note that the plan should also include language stating the right to object to the plan and appeal as provided for in these rules if participants wish to do so. (Commenter 1)

Response: All information regarding the Development in the ISS was moved into one location (Section 6) vs being in multiple sections of the Rules. We do agree to add language to the Training Plan (ISS) stating the participants right to object to the plan and appeal if they wish to do so.

We also request that the decision include language providing information related to

the free help that may be available from the Peer Workforce Navigator Project (PWN) for individuals with an adverse decision related to CSSP eligibility or the denial of services. The PWN may be able to assist individuals in better understanding the decision and their appeal rights and may also be able to refer the individual to legal assistance if they desire to contest the decision. We note that all DHHS decision notices include language referring individuals to legal services that may be available to assist them with appeals. (Commenter 1)

Response: Applicants and participants are closely connected to members of the CSSP Team who are trained and knowledgeable of the Peer Workforce Navigator Program. No changes will be made to the rule in response to this comment.

22. **Section 4(1)(A). Bi-Annual Review.** We strongly support the proposal for a bi-annual review of the recommendations of high wage/in demand jobs by CWRI and the inclusion of those revised lists on the CSSP web page. Thank you for requiring by rule that this up to date information to be available to applicants and participants.

(Commenter 1)

Response: Thank you for the comment.

23. **Section 4(4) Credential evaluation for a foreign degree.** First, we want to express our sincere appreciation to the Bureau for including this proposal to address a problem that we and others have raised with you on numerous occasions. You have obviously put a great deal of thought into proposing a solution and we are grateful for your work. We suggest that this proposal could be strengthened with two modifications.

First, Maine law requires that: “The program must provide to a participant, in accordance with rules adopted by the department, when education, training and support are not reasonably available from another recognized program and are necessary to carry out that participant's plan:... (4) Related costs of licensing or certification necessary to practice in an occupation for which the individual is qualified ”

Given that language, we believe that it is important to clarify the mandatory nature of this provision, and make the process more clear to applicants and participants. We suggest the following language: “The CSSP must assist an otherwise eligible individual licensed in another state or foreign country in evaluating whether their current license, certificate, degree or similar occupational credential will be recognized in Maine.

If it is determined that the degree is not marketable in Maine, the individual will be eligible to receive CSSP training and support services assistance for a high wage/in demand job in accordance with this Chapter.

If the credential evaluation determines that the current degree or credential is marketable, but the individual has not been successful in obtaining employment in the credentialed occupation, they will be given the opportunity to work with a CareerCenter Consultant who will provide one-on-one job assistance to assist them in finding employment in that occupation. If this assisted job search does not result in

employment in the individual's credentialed occupation, or it is determined that additional education or training or licensing is required for the credential to be recognized, CSSP services must be made available to the individual to obtain the additional education or training or licensing necessary to obtain employment in that occupation in Maine. This determination must be made no longer than 30 days from the beginning of the assisted job search." (Commenter 1)

Response: This will be clarified in the finding rule, using much of the suggested language. The language in the final rule will read as follows: "If otherwise eligible, CSSP funds must be made available to assist individuals licensed in other states or foreign countries in evaluating whether their current license, certificate, degree, or similar occupational credential will be recognized in Maine. If it is determined that the degree is not marketable in Maine, the individual will be eligible to receive CSSP training and support service assistance for a high-wage in-demand (HWID) occupation in accordance with this Chapter. If the credential evaluation determines that the current degree or credential is marketable, but the individual has not been successful in obtaining employment in the credentialed occupation, they will be given the opportunity to work with a CareerCenter Consultant who will provide one-on-one job search assistance to assist them in finding employment in that occupation. If this assisted job search does not result in employment related to the individual's credentialed occupation, or it is determined that additional education, training, or licensing is required for their credential to be recognized, CSSP services must be made available to the individual to obtain the additional education, training, or licensing necessary to obtain employment in that occupation in Maine."

Every individual's situation differs; therefore, the suggestion of a determination being made no longer than 30 days from the beginning of the assisted job search was not added to the language.

24. **Section 5(1)(C). Dislocated Worker Benefits.** We urge you to add language to this section requiring that any CSSP applicant or participant receiving unemployment insurance benefits (UI) be affirmatively notified about the benefits available through the DWB program along with how to apply.

We also ask that the rule require the Bureau to advise any CSSP applicant or participant receiving UI of the UI training approval process. This should include notice that CSSP is deemed automatically approved for this purpose, along with the implications that training approval has for work search and other UI requirements.

(Commenter 1 and 5)

Response: If a CSSP Case Manager becomes aware that a participant is applying for or receiving UI, they submit documentation to UI, requesting a training waiver on the participants behalf. No changes will be made to the rule in response to this comment.

25. **Section 6(1). Informed Career Planning; Individual Service Strategy.** As suggested above, we ask you to add language to this subsection to provide a voluntary referral to the Peer Workforce Navigator Program in advance of developing the ISS with their

CSSP case manager if the applicant wants assistance understanding the program, education and training resources, and their rights and responsibilities as CSSP participants. (Commenter 1)

Response: The CSSP team are trained and knowledgeable of supportive programs and services, including the Peer Workforce Navigator Program. The Team looks forward to continued conversations that help to improve applicant understanding of and accessibility to CSSP. No changes will be made to the rule in response to this comment.

We also urge you to add language defining the ISS as a plan that includes the “education or training program approved, the degree of credential expected at program completion and the services and support to be provided under the plan” as required by Maine law. We note that this is included in Section 6(7) below and ask that it be included here as well for the sake of consistency. (Commenter 1)

Response: All information regarding the Development in the ISS was moved into one location (Section 6) of the Rules. No changes will be made to the rule in response to this comment.

26. **Section 6(2). Timing.** We urge you to consider adding an expedited approval process with a 15-day limit for a Stage 2 eligibility determination for individuals already enrolled in a training program at the time of application. (Commenter 1)

Response: The overall number of CSSP applications, applicant response time and staff workload all impact the inability to set a specific time limit for Stage 2 eligibility. No changes will be made to the rule in response to this comment.

27. **Section 6(3)(D). Developmental Courses.** We recommend an additional sentence be added to this paragraph that states that such courses, if needed for successful participation, must be included in the applicant's plan, and paid for by CSSP if other sources (not including federal financial aid) are not available." (Commenter 1 and 5)

Response: Thank you for the comment. The following language will be added to the final rule: “Such courses, if needed for successful participation, must be included in the applicant’s plan, and paid for by CSSP if other sources (not including federal financial aid) are not available.”

28. **Section 6(3)(E). Comprehensive Assessment; Ability to Succeed.** As noted above, the “ability to succeed” requirement related to aptitude and academic achievement is solely the determination of the education or training institution where the participant is or will be enrolled. Thus this paragraph should be amended to clarify that any assessment of “academic achievement and aptitudes required of the training program and occupation” be “solely determined by the educational institution.” (Commenter 1)

Response: While CSSP accepts determination of eligibility from education institutions, some situations require further determination, such as students

applying for CSSP when they are on academic probation. Additional supports, such as remedial or refresher courses, may be required for the student to remain enrolled with the educational institution. An applicant's refusal to access additional supports may result in being determined ineligible for CSSP enrollment at that time. No changes will be made to the Rule in response to this comment.

We also refer you to our comment above stating that "financial subsistence capability" may not be considered in determining eligibility for CSSP as is implied here. We urge you to remove this language in the final rule. (Commenter 1)

Response: As stated above, during the eligibility determination process, CSSP staff and the applicant discuss the overall ability to obtain the training and occupational goal of interest. Financial ability is discussed at this time. Staff assist individuals by referring to other sources of funding if their CSSP, scholarships, Pell Grants, loans, etc. do not result in an attainable financial plan. If all efforts to secure a financial plan are unsuccessful, the applicant may be determined ineligible at that time. No changes will be made to the rule in response to this comment.

29. **Section 6(3)(G). Capability to participate virtually.** We urge you to clarify this section to state that an assessment of capacity for virtual instruction, as needed, is for the purpose of evaluating technology needs of the individual; it is not to determine eligibility. (Commenter 1)

Response: CSSP can assist with securing technology assistance, within the limits of the program. The method of training delivery is included in determining the ability to succeed in their program, and part of the comprehensive assessment. Example: A student without internet access, and unable to secure funding to install internet access and/or not willing to travel to a computer lab would require a different method of training. No changes will be made to the rule in response to this comment.

30. **Section 6(3)(I). Criminal History.** We ask that you add language to this paragraph requiring that when it is determined that a criminal conviction precludes entry into an occupation of the participant's choice, that the CSSP case manager must assist that individual in choosing another occupation without this barrier. (Commenter 1)

Response: The process of advising a customer on the viability of their occupational goal related to barriers and assistance in identifying occupational alternatives without a barrier to entry is common practice for CSSP and/or CareerCenter staff. No changes will be made to the rule in response to this comment.

31. **Section 6(4). Selecting a Goal.** We urge you to add language to this subsection making clear that the collection of this information for the ISS must be done by the CSSP case manager in consultation with the participant, but in no event will the participant be penalized if they are unable to provide any of this information on their

own. Several of these provisions are within the expertise of the case manager and not necessarily that of the participant. For example, if an individual is not able to list employers who typically hire from a particular institution, that information should be collected by the case manager, and the plan must be timely completed without delay or penalty to the participant. (Commenter 1)

Response: The following will be added to section 6.4. of the final Rule. “The following information, to be stated in the ISS, will be collected by the CSSP case manager in consultation with the participant.”

Further, to be consistent with our earlier comments we ask you modify (D) to read: “A list of potential employers within the participant’s *chosen* labor market who may employ graduates of the education and training program.” (Commenter 1)

Response: The final Rule will be edited to read: “A list of potential employers within the applicant’s labor market or intended labor market who may employ graduates of the education and training program.”

32. **Section 6(5). Selection of a training program; generally.** We are aware that there are circumstances where some training programs engage in fraudulent practices, including making misleading claims designed to market unrealistic placement expectations to potential students or engaging in fraudulent practices related to the financing or cost of attendance. While we believe that the structure of the CSSP with the strong role played by its case managers will largely prevent participants from unwittingly enrolling in such programs, we urge you to make information available on the CSSP web page that provides cautionary information about such practices. Here are just a few of examples of the kind of material that might be useful to potential CSSP participants: <https://www.bankrate.com/loans/student-loans/student-loans-how-to-spot-a-fraudulent-university/>;

<https://www.consumerfinance.gov/consumer-tools/student-loans/>

<https://consumer.ftc.gov/features/money-matters-how-spot-avoid-and-report-scams#> (click on the education and training icon).

<https://www.forbes.com/sites/adamminsky/2022/06/28/if-you-went-to-these-schools-you-may-qualify-for-student-loan-forgiveness-heres-what-to-do/?sh=718843f94879>(Commenter 1)

Response: This is not a request for a change/addition to the CSSP rules; however, we appreciate the links and will review for possible addition to the CSSP and/or other MDOL websites where appropriate.

33. **Section 6(5)(B) Selection of training program developmental/prerequisite programs.** We strongly support the inclusion of these programs, and request that you strengthen this language to make clear that these services must be available at no cost to the participant, including at no cost to any financial aid that they may be eligible to receive. Our intent here is to ensure that eligible participants receive these services, without financial burden in accordance with law: “(3) Assistance needed to

obtain remedial or prerequisite education necessary for the participant to participate successfully in the program” must be provided to eligible participants.” (Commenter 1 and 5)

Response: The following has been added to Section 6.5.B.: “CSSP funds must be made available and expenditures from the participant’s federal financial aid award to cover these costs will be avoided to the extent possible.”

34. Section 6(6) Duration of Education and Training. We request that the last sentence of the introductory paragraph at subsection 6 be replaced to read: “This paragraph should not be constructed to prevent a participant who began in CSSP with a goal of a one-year diploma or certificate or associate degree program to pursue an associate degree or bachelor’s 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, plus up to up to an additional 52 weeks for any developmental programs approved in the participant’s plan.”

We also request that you move the following language that is proposed below in this subsection to appear after this first introductory paragraph. It will then be more clearly read to apply to the time frames in this paragraph: “The Director of the Bureau of Employment Services, the Commissioner or the Deputy Commissioner of the Department may waive or extend this provision if exceptional circumstances are shown.” (Commenter 1)

Response: The last two sentences of section 6.6 of the final Rule will read as follows: “A participant who began in CSSP with a goal of a one-year diploma or certificate or associate degree program may pursue an associate degree or bachelor’s 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, plus up to an additional 52 weeks for any developmental programs approved in the participant’s plan. The Director of the Bureau of Employment Services, the Commissioner or the Deputy Commissioner of the Department may waive or extend the provision if exceptional circumstances are shown.”

35. Section 6(6)(A). Degree Changes. We discussed the proposed changes related to major/degree changes at length with the Peer Workforce Navigators in order to ground our comments on the experience of community members. We ask you to consider their points as context for our suggested revisions below. (Commenter 1 and 5)

- There are a number of circumstances in which it is unlikely that 90% of credits would transfer from one program to the next, making this proposal unworkable for many. For example, a high percentage of credits earned may transfer readily if a person is seeking to continue their education in the same field with a higher

degree, but that is unlikely to be the case if they propose to change their major entirely.

- Several navigators made the point that people in the immigrant community often change their majors. They note that in countries like Africa “we don’t have a wide range of opportunities—it's either law or engineering, or something more traditional in our culture. We don’t have such a wide range of choices in our home country—for example, we don’t have social workers—thus it is hard for us to imagine selecting some of the occupations that may be available to us now.” This may mean that a first choice is not necessarily the best one for them, and as they gain more experience in this culture and the opportunities available to them here, they may make another, better informed choice.
- People who have endured trauma may need more time to explore different options to decide what to do next. This may be true of people who are in recovery, have experienced domestic violence, are refugees or immigrants, or any other number of traumatic experiences. They may discover that their first choice may not be the best one for them, and make a wise decision to change majors or degree/credential programs. That may be a decision that they make on their own based on their own preferences, or because they learn that they are not well suited academically for the choice they first made. Under these circumstances they may not have achieved a 3.0 grade point average in the program or major that they first choose, but once they change to something more appropriate their GPA may likely improve.
- People living in poverty have insecure housing and as a result move at disproportionately higher rates than others with more income. This means that they are more likely to have to change educational institutions or training programs with difficulty transferring credits from one place to the next. One navigator gave a recent example of a person that they worked with who was enrolled in a training program for recovery counseling. She had to move to another part of the state where she could find more affordable housing which also meant that she had to change educational institutions. At her new location she found a university program that offered a degree in social work which she preferred, but found that almost none of her prior credits were transferable to that new program.

The above concerns inform the need for greater flexibility than proposed in cases where individuals may make a wise decision to change their major or degree program. CSSP is not a merit-based program. It is a program to support mainly non-traditional adult students who have responsibilities and backgrounds that may compete with their studies, and sometimes make earning a 3.0 GPA more difficult, or may more often result in the need to change majors or programs. Withdrawing support from a student in this situation could easily result in them giving up their goal and future economic security, a result which we all want to avoid.

We suggest that approval of program changes from an associate’s to bachelor’s degree

(or the like) should be left to the individual and the institution, so long as the student is making “satisfactory progress”, according to the institution and plans to complete within the time frame required by CSSP rules. We note that regulations related to student financial assistance under Title IV of the Higher Education Act of 1965 consider an institution’s “satisfactory progress” standard reasonable if it:

- (a) provides that a student, enrolled in an educational program of more than two academic years, is required to have a GPA of at least a “C” or its equivalent, *or* have academic standing consistent with the institution's requirements for graduation; and
- (b) is on track to complete their program within 150% of the published length of the program

We further note that the University of Maine encourages students with a 2.0 GPA to apply. We see no basis to establish a higher standard than those applied by the federal Pell Grant program or the University to be applied to program changes within CSSP.

We recommend that the rule be revised to incorporate these more realistic standards in lieu of those proposed. We believe that the satisfactory progress requirements of maintaining a 2.0 GPA and completing within 150% of the time of a full time course load will provide integrity to the CSSP program while still giving most participants the ability to find their best career plan, changing majors, transferring credits, and retaking troublesome requirements as needed.

We also recommend that in addition the changing the standards as requested above, that in considering changes in majors, transfers from one credential to another, or similar programmatic changes (including the number of changes that can be made, any requirements about the timing of such changes or transfers; and the total amount of time available to complete a new program or major) that there be a “good cause” provision allowing for exceptions to the satisfactory progress rule where there is a compelling reason to exceed the standard imposed in these as well as any other circumstance where the student falls short of satisfactory progress. A similar good cause exception, such as the death of a relative, injury or illness of the student or “other special circumstances” is recognized for those who seek to maintain assistance under the Higher Education Act even though they have failed to make satisfactory progress.

Finally, with respect to credit transfers we ask that you make a distinction between changing majors and changing programs. It is unrealistic to ask for a 90% credit transfer for people changing majors, e.g. from electrical engineering to social work, while a higher rate of credit transfers may be more realistic if the person is seeking to go from an AA to a BA in the same field. **(Commenter 1)**

Response: The 90% criteria will be removed from the final rule. The following Good Cause definition will be added to Section 1 of the final Rule. “Good Cause means a sufficient reason, or reasons, as determined by the Department of Labor, for the Applicant or Participant to not comply with a CSSP program requisite, based on the totality of the circumstances.”. Language will be added to Section 6.6.a of the final rule allowing good cause to be granted under exceptional circumstances regarding the GPA of

3.0 and the one-time change in major.

36. **Section 6(6)(B). Masters/Doctoral degree.** We ask that you retain the language which you propose to delete here which reads: “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.” There may be circumstances where it would be far more efficient and a better result for everyone, including the Maine taxpayer, to assist with transferring a post-graduate level credential to meet Maine standards, than paying to start someone in a new program. While we understand that it would be a rare situation in which this discretion would be used, we believe that there is value in maintaining this option in those exceptional circumstances. We note that this is entirely within the discretion of the Department, and would only give participants or their advocates an opportunity to make the case if they think fairness or practicality dictates it. We see no harm to the Department in keeping this language, and only value in doing so for both the Department and the participant. (Commenter 1)

Response: The language “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” will remain in the final rule.

37. **Section 6(7) Document within ISS.** We urge you to include prominent language in the ISS that an individual has the right to (1) request modification of their ISS at any time that their needs or circumstances change, and (2) to appeal any decision made by the Bureau that is included in, or absent from the ISS. We also recommend that the ISS include reference to the Peer Workforce Navigator Program for anyone who seeks additional third-party help understanding their options, rights and responsibilities under the program. (Commenter 1)

Response: This suggestion references the Training Plan (ISS), not the CSSP Rule. Section 6.6.B of CSSP rule references ISS amendments and appeal rights. Applicants and participants are closely connected to members of the CSSP Team who are trained and knowledgeable of the Program. No changes will be made to the rule in response to this comment.

38. **Section 6(8). Transcripts, credential evaluation.** We ask you to include a provision in the final rule specifically stating that “the costs for an educational transcript, credential evaluation or similar requirement needed to determine eligibility for the program must be paid for by the program for any applicant who is otherwise eligible for participation, as determined by the department, if funds are not reasonably available from another source for this purpose.” While these services are noted elsewhere in the proposed rule, there must be an affirmative statement establishing eligibility for them, and requiring that they must be available as one of the training and support services provided by the program under this section where all other required supports are listed. (Commenter 1)

Response: The following will be added to 6.8.A of the final Rule. “CSSP funds must be made available to assist with the costs for an educational transcript, credential evaluation or similar requirement needed to determine eligibility for the program for any applicant who is otherwise eligible for participation, as determined by the department, if funds are not reasonably available from another source for this purpose.”

39. **Section 6(8)(A)(2). Amount of Assistance.** We want to express our appreciation and support for the significant increases to the maximum amount of assistance that may be provided by CSSP. It has been many years since these amounts have been adjusted and over that time inflation has taken a toll on purchasing power. This is particularly appreciated in light of the dramatic increases in inflation over the last year. (Commenter 1 and 5)

Response: Thank you for the comment.

40. **Section 6(8)(E)(1)(a). Transportation; mileage.** We greatly appreciate the inclusion of language providing that: “Weekly/monthly travel request forms may be submitted electronically by email, in person, or by mail.” While we understand that this may simply codify a practice that has been in place, in our experience it has not been uniformly applied. We believe that this rule will ensure greater uniformity of practice, and will provide clear language so that participants can better understand their rights.

We also ask that this language be generally applicable to verification for all expenses that a participant may need to submit to the Bureau, not just for transportation.

Finally, we very much appreciate and support the increase in the number of reimbursable miles within a week provided in this proposed rule. (Commenter 1)

Response: Thank you for the comment.

41. **Section 6(8)(E)(1)(b). Transportation; mileage and repairs.** We offer our strong support and appreciation for the proposed increase from \$600 to \$1,000 in annual reimbursement for vehicle repairs. (Commenter 1 and 5)

Response: Thank you for the comment.

42. **Section 6(8)(E)(2). Equipment.** While we appreciate the amendment to this section providing for the purchase or upgrade of a computer for individuals in college degree programs, we ask that you apply it uniformly to *all* CSSP students, including those in certificate programs. It is difficult to imagine any education or training program today in which a student would not benefit from having a functional computer. In fact this has become an expectation of daily life. Today, even the most basic communication—canceling classes, notifying students about homework assignments, providing required reading etc. is done electronically. Not all students have ready access to libraries or other public locations to use a computer. Moreover, particularly for single parents, study time often happens late into the evening when children are finally in bed making a personal computer the most realistic option for

them.

A quick web exploration of the curriculum associated with certificate programs in Maine confirms this expectation. For example, a person enrolled in a certificate program to gain a substance abuse rehabilitation certificate at UMA and UMF requires courses in substance use disorder, trauma and crisis intervention. Certainly those will all require assigned reading to be accessed online. Rather than spending staff time on requests that we believe should be universally approve, and placing additional burden on students, we ask that the rule simply recognize this reality for all students today and affirmatively state that the purchase or upgrade of a computer will be available to all CSSP students regardless of the program in which they are enrolled. (Commenter 1 and 5)

Response: A change Section 6.8.F.2 of the final rule will read: “If a participant is enrolled in CSSP 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.”

We also ask you to clarify that any cost associated with gaining internet access not elsewhere available be provided by the program and listed in this subsection. (Commenter 1)

Response: A request for this type of assistance could be considered under the “Other Necessary Services or Need”. The ability to assist would be determined after thorough review of the request including the participant’s remaining CSSP funds. No changes will be made to the rule in response to this comment.

Finally we ask you to clarify that that “equipment” also means a router or modem if needed by the participant, and any upgrade to make sure that the participant’s computer has adequate speed to perform needed tasks associated with their program. (Commenter 1)

Response: A request for this type of assistance could be considered under the “Other Necessary Services or Need”. The ability to assist would be determined after thorough review of the request including the participant’s remaining CSSP funds. No changes will be made to the rule in response to this comment.

43. **Section 6(8)(E)(3). Other Necessary Services or Need.** While we believe that this fits within the broad language of this paragraph, for the sake of clarity we ask that the final rule specifically include “union membership fees” or similar charges (not including dues) that are necessary to join a union and perform work with certain employers in the occupation for which they are trained. This is particularly important for those engaged in union apprenticeship programs who must join the union to work for an associated employer. These fees may be prohibitive for those just starting out in a trade thus we ask that they be reimbursable under this paragraph. (Commenter 1 and 5)

Response: Unanticipated Needs has been changed to Other Necessary Service or Need. We chose not to list items, allowing for consideration of any service or need

that is necessary for successful participation in the participant's education or training program if the funds are available. No changes will be made to the rule in response to this comment.

We also strongly encourage you to specifically include in this paragraph emergency payments for assistance in obtaining stable housing if it would prevent homelessness from derailing the participant's successful participation in their education or training program. Provision of this service is referenced in the paragraph related to stipends below, yet it more appropriately belongs in this paragraph where most would look to see the totality of services that the program provides.. As you know this is increasingly important given Maine's housing crisis which falls most heavily on those with limited incomes, thus we believe that this must be prominently listed here. (Commenter 1)

Response: The following language will be placed under the Other Necessary Service or Need section, as requested. "Participants living in a homeless shelter or transitional housing may be eligible for an emergency payment for assistance in obtaining stable housing if it would prevent homelessness or from derailing the participant's successful participation in their education or training program."

Finally, we ask that you include by way of example that "other necessary services or need" may include assistance with utility payments too where that assistance is not available elsewhere, and is needed to maintain a reasonable household environment to support successful participation in their education and training program. (Commenter 1)

Response: Unanticipated Needs has been changed to Other Necessary Service or Need. As stated above, we chose not to list items, allowing consideration of any service or need that is necessary for successful participation in the participant's education or training program if the funds are available. No changes will be made to the rule in response to this comment.

44. **6(8)(E)(4).Child Care Services.** We request one clarification in this important paragraph. We appreciate that CSSP will pay for 100% of the cost of care up to the cap. We ask that the rule clarify that this includes any copay that the parent may be subject to under the rules governing any other subsidized child care program. The Child Care Development Block grant benefits administered by DHHS are substantial and represent a significant burden to families, most of whom do not have a full-time paycheck as they work toward their degree. If fairness these must be included in the amounts reimbursable by CSSP. (Commenter 1)

Response: We agree to include the suggested language. "This includes any copay that the parent may be subject to under the rules governing any other subsidized childcare program"

45. **Section 6(8)(E)(5). Training Stipend.** We have several appreciations and suggestions related to training stipends. (Commenter 1, 2, 5 and 6)

First, we want to express our appreciation and support for the proposal to increase

eligibility for the CSSP stipend to 175% of the federal poverty level. This appropriately recognizes the increased burden of inflation on people with limited income, and also the widely understood inadequacy of the poverty level as a measure of need in today's economy. Thank you for including this proposed change.

Second, we request that you amend the proposed full-time definition for short term training to clarify that “clinical or driving hours, *including time spent driving to drop off or pick a child from care*, be counted toward the 12 hours per week.”

Response: Clinical or driving hours are requirements of the participant's training program. Driving to drop off children for childcare is not considered a requirement of the training program. No changes will be made to the rule in response to this comment.

Third, while we appreciate the proposal that “Registered Apprentices enrolled in CSSP are considered in full-time status during any month they are attending classroom training that is required by their Apprenticeship Program” that leaves unclear how their time in their on-the-job learning component will be treated. This hands-on learning component is just as critical a part of their training as is an internship or practicum in other programs. We strongly urge you to clarify the final rule to ensure that apprentice trainees in the on the job learning component of their training program have access to a needed stipend so long as their income falls below 175% of the poverty level.

Response: As requested, on-the-job-learning will be included in the final Rule and will read as follows: “Registered Apprentices and pre-apprentices enrolled in CSSP are considered in full-time status during any month they are attending classroom training or on-the-job learning that is required by their Apprenticeship Program.”

This recommendation is both good policy and required by Maine law. As a matter of policy, there is no reason to believe that a person with income below 175% of the federal poverty level is any better off because they are engaged in one type of training over another (e.g. classroom training vs on-the-job learning). Moreover, these components are typically full-time. The purpose of the stipend is to provide financial assistance so that participants are better able to meet their basic needs and thus more likely to be successful in their training program. For this purpose, the sole consideration should be how much money the family has available compared to the eligibility limit, and nothing more.

In addition, Maine law (as amended by PL 2023, Chapter 184) clearly requires that “Registered apprentices and individuals participating in a plan that includes a certified pre-apprenticeship training program approved pursuant to subsection 4 are eligible for services under this subsection, including those necessary to participate in any on-the-job learning component of the program, as long as the registered apprentices and individuals meet the requirement of subsection 5, paragraph C.” This language applies to all of the education, training and support services available under the program and does not allow the Department to deny services otherwise available under this subsection to all other participants to

apprentices or pre-apprentices.

Fourth, we greatly appreciate and support the proposal to increase the stipend from 1/5th to 1/3rd of the maximum weekly unemployment benefit in Maine. Because we have had questions about this in the past, we ask that the rule clarify that this is $\frac{1}{3}$ of the maximum weekly UI benefit times the number of weeks in a month but paid monthly. So, for example a person's monthly CSSP stipend would equal Maine's maximum weekly unemployment benefit $\times .3333 = X$ times 4.3481.

Response: The suggested language will be included in the final Rule and will read: "For those participating full-time, the stipend equals one-third of the maximum weekly unemployment benefit times the number of weeks in a month (as determined annually by the Bureau of Unemployment Compensation) and will be paid monthly. For example, a person's monthly stipend would equal Maine's maximum weekly unemployment benefit $\times .333 = X$ times 4.3481."

Finally, we express our appreciation for the clarifying language indicating that a person awaiting a decision will be entitled to a CSSP stipend (assuming that they are otherwise eligible) until they begin to *actually receive* UI benefits. This is an area where we have seen problems in the past and again appreciate your listening to our concerns and proposing this clarification. (Commenter 1 and 5)

Response: Thank you for the comment.

The purpose of the stipend is to provide financial assistance so that participants can meet basic needs and thrive in their training program. The only consideration for qualification for this stipend should be how much available money the family has. If a worker in training is below 175% of the federal poverty level, they should qualify regardless of whether they are engaged in classroom training or on the job training. We think this perspective is consistent with Maine law (as amended by PL 2023, Chapter 184) requiring that apprentices and pre-apprentices must receive all of the education, training and support services available under the program and does not allow the Department to deny services otherwise available under this section to all other participants just for apprentices or pre-apprentices. (Commenter 5)

Response: Language in the final Rule will be changed to include registered pre-apprentices. "Registered Apprentices and Registered Pre-Apprentices enrolled in CSSP are considered in full-time status during any month they are attending classroom training or on-the-job learning that is required by their Apprenticeship Program."

46. **Section 6(9). Other Documentation on the ISS.** This language responds to a comment that we made above related to language translation. We ask that this language be placed to appear above within the discussion of the ISS itself to ensure that it will be most effectively communicated within the rule.

We also appreciate the reference to the translation or the use of language interpreters. We urge you to include this above as well within the discussion of the ISS to make clear that these services are required if needed for the participant to

have a meaningful understanding of what is being communicated. (Commenter 1)

Response: The following language will be added to Section 6.1, Informed Career Planning; Individual Service Strategy. “Updates to the ISS require participant and CSSP case manager signatures, and if needed, translation of the document or use of language interpreter.”

47. **Section 6(10)(B). Paying for courses more than once.** Similar to our discussion above related to changing majors or degree programs, we asked the PWN navigators to describe the experiences of community members who might need to retake a course more than once or even twice. What we learned provides insight into why a person might need more than one chance to retake a course.

One navigator made the point that this usually happens with just one required course that is particularly difficult for the participant. They used the example of a statistics course required for a social studies degree where a person may not have a strong aptitude in math or science but otherwise excelled in all other required coursework for a social studies degree. She described the experience of a person who had to take statistics a third time, and finally passed it, going on to successfully gain employment in her chosen field.

Another navigator described his own experience re-learning math in this country after leaving his home country of Africa. He described it as a totally different learning process in the US: “Sometimes the logic is just differently taught, the structure of thinking is different. You might get the same answer, but the way you are taught to get there is different and it may take a few tries before you get used to this new way of learning.”

For these reasons we strongly encourage you to avoid a strict prohibition on paying for a course more than twice, but rather provide for a “good cause” exception that would allow the program to pay for the course a third time when there are compelling reasons such as the ones described above. (Commenter 1)

Response: The following will be removed from the final Rule: Under no circumstances will CSSP pay for any course more than twice. The final rule will read: “If the participant fails or withdraws from the same course a second time or from other courses, the cost of tuition and books to repeat the course(s) will be the responsibility of the participant unless evidence is submitted showing Good Cause.”

48. **Section 7(1). Appeal to the CSSP Program Manager.** We recommend clarifying the sentence that currently reads: “Any writing may be used to file an appeal.” Instead we suggest the following: “An appeal must be made in writing and submitted electronically, by mail or delivered by hand.” (Commenter 1)

Response: Language in the final rule will be changed to read: “Any appeal must be made in writing and submitted electronically, by mail or delivered by hand.”

49. **Section 7(3). Notices.** As discussed above we strongly urge you to include a

language in the final rule requiring that all notices affecting an individual's rights and responsibilities under the CSSP must be written in plain language, preferably at a 6th grade reading level, and must be made available to individuals in their preferred language so that they may be meaningfully understood. Moreover as noted above we ask that they include reference to the Peer Workforce Navigator program for those seeking additional assistance in understanding or navigating CSSP program requirements or processes. (Commenter 1)

Response: Written communication at a 6th grade level may compromise the accuracy when explaining complex rules or regulations. This comment will be shared with the CSSP Team as a reminder to prepare all written communication that is clear, concise, and easy to understand. All decisions regarding eligibility for CSSP or regarding benefits under CSSP include the right to appeal within 30 days of the decision. 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 30-day period.

Applicants and participants are closely connected to members of the CSSP Team who are trained and knowledgeable of the Program.

No changes will be made to the rule in response to this comment.

50. **Section 8. Non-discrimination.** We appreciate the inclusion of this language. However, as noted throughout these comments we strongly urge you to codify in rule requirements that make this commitment uniformly accessible to, and enforceable by, individuals to ensure that they have meaningful access to program information and services. This requires affirmative language in the final rule (as proposed in various places in these comments) requiring that all notices, decisions, and other program information be written in plain language, and accessible in the preferred language of individuals for whom it is intended. (Commenter 1)

Response: Thank you for the comment. No changes will be made to the rule in response to this comment.

Moreover, we request that the rule provide that if meaningful notice is not given to an individual that is the same as no notice having been given. If not, a notice that is readable and comprehensible must be issued. This is important to ensure that no applicant or participant loses their ability to make a timely application, or their deadline to appeal a decision if the decision was not communicated in a meaningful manner. (Commenter 1)

Response: Notices will be written as clear, concise, and easy to understand as possible. No changes will be made to the rule in response to this comment.

Thank you once again for the opportunity to make these recommendations which we hope will strengthen the final rule governing the CSSP.