

12 DEPARTMENT OF LABOR

597 BUREAU OF EMPLOYMENT SERVICES

Chapter 2: RULE GOVERNING THE COMPETITIVE SKILLS SCHOLARSHIP PROGRAM

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Contents

<b>SECTION I: DEFINITIONS.....</b>	<b>2</b>
<b>SECTION II: ELIGIBILITY .....</b>	<b>5</b>
A. Individual Eligibility.....	5
1. Criteria .....	5
2. Determining Individual Financial Eligibility.....	5
3. Verification. ....	7
B. CSSP Cohort Eligibility.....	9
1. Criteria for Eligible cohort participants .....	10
2. Eligible fund use .....	10
3. Application requirements .....	10
4. Eligibility determination .....	11
<b>SECTION 3. APPLICATION AND DECISION.....</b>	<b>11</b>
A. Application .....	11
B. Eligibility determination. ....	11
C. Decisions.....	12
<b>SECTION 4: HIGH COMPENSATION OCCUPATIONS WITH DEMAND FOR SKILLED LABOR .....</b>	<b>12</b>
A. Choosing industries and occupations.....	12
1. Review of Statewide recommendations.....	12
2. Regional and industry specific recommendations .....	13
3. Individual petition .....	13
4. Honoring educational commitments .....	13
5. Informing Applicants and Participants. ....	13
Credential Evaluation of Foreign Degree.....	13
<b>SECTION 5: NO SUPPLANTATION; MAXIMIZING USE OF OTHER RESOURCES .....</b>	<b>14</b>
A. No supplantation.....	14
B. Identifying Non-CSSP Supports.....	15
C. Documentation. ....	15
<b>SECTION 6: CAREER PLAN .....</b>	<b>15</b>
A. Informed Career Planning; Individual Career Plan.....	15
B. Timing	16
C. Comprehensive Assessment. ....	16

D. Selecting an employment, occupational and education or training goal .....	16
E. Selection of education or training program. ....	17
F. Location of Training .....	17
G. Duration of Education or Training. ....	18
H. CSSP Education, Training and Support Services.....	19
1. Provisions applicable to all CSSP services .....	19
2. Student Aid. ....	19
3. Allowable Expenditures Included in the CSSP Annual Cap .....	20
4. Allowable Expenditures Excluded from the CSSP Annual Cap .....	20
5. Other Documentation in Career Plan .....	24
6. Career Plan Review .....	24
<b>SECTION 7: APPEALS .....</b>	<b>25</b>
<b>SECTION 8. NON-DISCRIMINATION .....</b>	<b>26</b>
<b>SECTION 9. GENDER EQUITY .....</b>	<b>27</b>
<b>SECTION 10. LIMIT ON ADMINISTRATION AND CAREER COUNSELING .....</b>	<b>27</b>

## 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 I: DEFINITIONS

1. **Applicant** means an individual who has applied for CSSP where eligibility may or may not have been determined.
2. **Bridge Program Participant** means a high school Junior or Senior enrolled in the Early College and Career and Technical Education Program (ECCTEP).
3. **Bureau** is the Maine Department of Labor, Bureau of Employment Services.
4. **Career Plan** means, for the purpose of this rule, the individual career plan that is developed by the participant and the CSSP case manager. The Career Plan includes all funding sources planned to meet the participant's needs, including CSSP resources and resources other than CSSP. This rule applies to any Career Plan that includes CSSP funding.
5. **Certified Pre-Apprenticeship Program** means a program certified by the Maine Apprenticeship Program pursuant to 26 M.R.S. §3213.

6. **Commuting distance** means the 50-mile radius, by road, from the participant's place of residence.
7. **Department** is the Maine Department of Labor.
8. **Cohort** means a group of students or participants who work through a curriculum or prescribed program together to achieve the same academic degree, certificate or similar credential together.
9. **Cohort Participant Eligibility:** The unique guidelines for approved participant eligibility in cohort training
10. **Dependent Applicant** means an individual under age 24 who is applying for CSSP assistance and can be claimed on another person's taxes.
11. **Dependent child** means a child in the applicant's household who is under 19 or a full-time student under age 24 and is being claimed as a dependent on the applicant's or another (included) household members taxes or is a person with a disability of any age and did not provide more than 50% of their own support.
12. **Family** means the applicant or participant and all persons residing in their residence that are related by blood, marriage, domestic partner registration decree of court, or a partner sharing a mutual child, and are the applicant's spouse, registered domestic partner, guardian, parent, partner sharing a mutual child or dependent child. However, the following individuals are considered a separate household of one: a) an applicant who is living with their family, who is not married and who cannot be claimed on another person's taxes b) 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 they are not treated as a separate household, they need not be treated as a separate household.)
13. **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 upon the totality of the circumstances.
14. **High compensation** means median wages that are at or above the median wage for all occupations in Maine.
15. **Independent Applicant** means an Applicant who is age 24 or older.
16. **Individual Eligibility** means unique guidelines for individual applicants not enrolled in a cohort.
17. **Labor Market Area** means a geographic area in Maine where the CSSP applicant or participant resides and/or intends to find employment within commuting distance or through relocation.
18. **Marketable postsecondary degree** means an industry recognized credential, vocational

certificate or license, associate degree, bachelor's degree or a graduate level certification/advanced degree. Any associate or bachelor's degree represents a recognized and transferable postsecondary credential that employers across industries value. These degrees demonstrate academic achievement, commitment, and the development of critical and versatile skills such as communication, problem-solving, and analytical thinking that are applicable to a wide range of career paths. A degree such as Liberal Studies or General Studies is considered marketable because it develops transferable skills and can support entry into numerous occupations identified on the High-Wage, In-Demand (HWID) list, including positions within the Management, Community and Social Service, and Sales and Related Occupation families. A degree that is oriented toward an occupation absent from the local labor market may be considered unmarketable when the applicant demonstrates that the credential lacks transferable skills applicable to other viable employment options. A degree such as Liberal Studies or General Studies is considered marketable because it develops transferable skills and can support entry into numerous occupations identified on the High-Wage, In-Demand (HWID) list, including positions within the Management, Community and Social Service, and Sales and Related Occupation families. A degree that is oriented toward an occupation absent from the local labor market may be considered unmarketable when the applicant demonstrates that the credential lacks transferable skills applicable to other viable employment options. 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;
- B) The postsecondary degree is not recognized by or equivalent to that which is required by the appropriate professional licensing body in this State; or
- C) The applicant can show that the postsecondary degree does not enable the applicant to obtain employment in a labor market that meets the requirements of subsection 4, paragraph A.

19. **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. The CSSP HWID list can be found on the CSSP website.
20. **Participant** means an eligible individual enrolled in the program.
21. **Registered Apprenticeship Program** means the Maine Apprenticeship Program established in Title 26 §3202.
22. **Resident** means that you are living in Maine and intend to remain here. 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 such as seeking asylum.
23. **Under Employed** means someone who is working part-time, seasonal, temporary, or short-term survival jobs; working fewer than 30 hours per week while seeking full-time employment; or employed in a position that does not adequately match their skills, experience, or training.
24. **Written or writing** means writing on paper or in electronic format such as email.

## SECTION II: ELIGIBILITY

### *A. Individual 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 has graduated from high school, or is enrolled in the Early College and Career and Technical Education Program (ECCTEP);
- c. Does not already have a marketable postsecondary degree, industry recognized credential, or vocational certificate or license;
- d. Has income of less than 275% of the poverty level for the family size as calculated in paragraph 2 of this section or, at the time of application, the individual or a dependent living in the individual's household is receiving assistance from the Supplemental Nutrition Assistance Program (SNAP); the MaineCare program; the Temporary Assistance for Needy Families (TANF) program; Reception and Placement (R&P), Refugee Cash Assistance program, Supplemental Security Income (SSI) program; or the Home Energy Assistance Program (HEAP) the fuel assistance program under Title 30-A, section 4991;
- e. Is seeking education or training that results in an industry recognized credential, associate degree or bachelor's degree for an occupation approved according to Section 4; or is participating in a registered apprenticeship program pursuant to Title 26, Chapter 37, or is a certified pre-apprentice pursuing enrollment in a Maine Registered Apprenticeship Program; and
- f. Has the aptitude to undertake and complete education or training as determined by the institution providing the education or training.

#### *2. Determining Individual Financial Eligibility*

An applicant is financially eligible for CSSP when the applicant's household income, other than excluded income, is below 275% of the federal poverty guidelines. When determining the income of the applicant's household.

- a. **Family.** The income and the size of the family are determined by the members of the household at the time of application.
- b. **Household income.** The CSSP 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 CSSP case manager will use documentation and other information provided by the applicant to make a best estimate of income for the following four weeks.
- c. **Household income for Dependent Applicant.** When calculating household income of a dependent applicant, the CSSP case manager will determine eligibility based on the

household of the adult who can claim the dependent. The household members and the dependent applicant's income will be included when calculating household income. Dependent applicants are not eligible for CSSP Stipend. Applicants under age 24 will be required to provide current tax documents to determine eligibility if wishing to be determined as an Independent applicant. Income of dependent children in the household (who are not the CSSP applicant) will not be included when calculating household income or when determining eligibility for CSSP stipend.

### **Includable & Excludable Income**

**Included income:** Unless specifically excluded, include all regular income of all household members, except dependent children and dependent CSSP Bridge applicants, including the following:

- Wages and Salaries before Deductions Net Self-Employment
- Regular Payments from Social Security (Retirement)
- Workers' Compensation
- Alimony
- Paid Family Medical Leave (PFML)
- Railroad Retirement
- Strike Benefits from Unions
- Training Stipends (but not CSSP training stipends)
- Wages Subsidized by OJT Contracts
- 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

**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
- Temporary Assistance for Needy Families (TANF)\*
- Refugee Cash Assistance\*
- Reception and Placement (R&P)\*
- 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 (internships, externships and practicums)  
 Gifts  
 Loans  
 Lump-Sum Inheritances  
 All non-recurring lump sum income  
 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 (MaineCare)\*  
 Medicaid  
 Food Stamps (SNAP)\*  
 School Meals  
 Housing Assistance  
 Home Energy Assistance (HEAP) \*  
 Supplemental Security Income (SSI)  
 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.

\*See categorical eligibility below.

**Categorical Eligibility.** If the individual or a dependent living in the individual's household is receiving assistance from Temporary Assistance for Needy Families (TANF), Food Stamps (SNAP), Reception and Placement (R&P) or Refugee Cash Assistance, MaineCare, Supplemental Security Income (SSI) or the Home Energy Assistance Program (HEAP) the individual will be categorically deemed to meet the financial eligibility criteria of CSSP.

### ***3. 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).

- a. Identity and Age Verification.** For verification of age and identity, you must provide one (1) photo identification document. Photo identification must show your name, date of birth and photograph.

Identification can be any document from the following list:

- Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address
- Passport or Passport Card
- Permanent resident card or Alien Registration Receipt Card (Form 1-551)
- Employment Authorization Document that contains a photograph (Form 1-766)
- Refugee Travel Document
- School ID card with a photograph
- US Military card or draft record
- Military dependent's ID card
- US Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority
- For persons under age 18 who are unable to present a document listed above:
  - School record or report card
  - Clinic, doctor or hospital record
  - Day-care or nursery school record
- Other documentation approved by the Bureau

**b. Maine Residency Verification:** Maine Residency document can be any document selected from the following list that confirms the applicant's current name and physical Maine address:

- Maine Driver's license with a physical address
- Maine BMV Identification card
- Maine Vehicle Registration
- Utility Bill - electric bill, water/sewer **bill**, cell phone bill, etc.
- Maine Resident Hunting or Fishing License
- Contract in the applicant's name- mortgage agreement, lease, insurance policy, insurance ID card
- Tax bill
- Tax return
- Paycheck stub
- W-2
- Rent receipt
- Property tax bills
- Document issued by a government entity
- Conditional order of restoration - For those that do not have a valid license
- Other documentation approved by the Bureau

**c. Household Income Verification**

- Paystubs or employer payroll statement (for all family members excluding dependent

children) documenting gross income (before taxes). In the event that the household has no income and receives no qualified benefits, self-declaration of income form for the applicant and household will be completed and considered.

- **Applicants or a dependent in the applicant's household receiving Temporary Assistance for Needy Families (TANF) or Food Stamps (SNAP) or MaineCare** can provide a current Department of Health and Human Services (DHHS) Notice of Decision (NOD), digital copy or printout of their portal showing receipt of benefits or other reasonable evidence of continued receipt of benefits, e.g. bank statement showing automatic deposit must be dated within 30 days prior to the CSSP application.
- **Applicants or a dependent in the applicant's household receiving the Reception and Placement (R&P) or Refugee Cash Assistance** can provide Office of Maine Refugee Services (OMRS) Verification. Verification document must be dated within 30 days prior to the CSSP application.
- Applicant or a dependent living in the applicant's household receiving Supplemental Security Income, Home Energy Assistance (HEAP) can provide current documentation confirming receipt of benefits must be dated within 30 days prior to the CSSP application.

### ***B. CSSP Cohort Eligibility***

Cohort-based training is a structured training or education program designed to prepare a group of participants for specific occupations or industry sectors as indicated on CSSP HWID list. Such programs must:

- a. Result in an industry recognized credential, associate degree or bachelor's degree for an occupation approved on the CSSP high-wage, in-demand list
- b. Be aligned with identified state's economic development priorities (e.g., 10 year plan, WIOA state plan); and have at least 100 annual job openings per HWID list or 50 annual job openings in your local labor market area, or as recommended by the Commissioner.
- c. Be provided by an educational institution or training provider, who:
- d. Must provide evidence of demonstrated business need and connection to employment via direct partnership with employer(s)
- e. *Preference will be given to training providers that demonstrate a dedicated facilitator for the cohort to intentionally promote peer collaboration and create a supportive learning environment that supports a sense of community, mutual accountability and program completion.*
- f. May coordinate with other partners including Local Workforce Investment Board established pursuant to the Workforce Innovation and Opportunity Act (WIOA), business organization, industry sector partnership, a labor organization, Tribal governments, or other entities.
- g. Prioritize recruitment low-income individuals and individuals who may face barriers to education or successful workforce participation
- h. Enroll students, in which 80% are individually CSSP-eligible, low-income individuals and individuals who may face barriers to education or successful workforce participation as defined in Sec. 6. 26 MRSA §2033, sub-§5-B
- i. Not supplant existing funding. Training providers may include costs related to tuition, books, fees, licensing, equipment, uniforms, etc.,. If cost is covered by CSSP, it may not be billed it the student.
- j. Be approved per the cohort application process as defined by MDOL

### ***1. Criteria for Eligible cohort participants***

To participate in cohort-based education or training programs, individuals must:

- a. Be Maine residents
- b. Be over 18 years of age or have completed high school equivalent (per CSSP rule)
- c. Be accepted into an approved cohort-based training or education program (per section C)
- d. Meet CSSP income or education requirements UNLESS
  - i. Low-income
  - ii. first-generation college students
  - iii. formerly incarcerated individuals
  - iv. individuals enrolled in needs-based government assistance programs,
  - v. Unemployed and underemployed individuals,
  - vi. Persons with disabilities,
  - vii. Immigrants, and
  - viii. Individuals with underrepresented genders and racial identities

### ***2. Eligible fund use***

- a. Cohort training costs may include tuition and related costs needed for participant to successfully participate in and complete training, including but not limited to books, fees, licensing, equipment, uniforms, etc. If cost is covered by CSSP, it may not be billed to the student.
- b. CSSP limits remain the same per eligible individual per CSSP rule (cost per person cannot exceed \$10,000)
- c. Upon cohort approval, the CSSP program team will individually assess for and provide related supportive service needs costs for eligible participants to successfully participate in and complete the training (per Chapter 2, Section 8)
  - i. an individual in a cohort is eligible for all program services under this section for which all other eligible individuals would be qualified to receive in accordance with rules adopted pursuant to subsection 9

### ***3. Application requirements***

Entities eligible to apply for CSSP cohort training funding are educational institutions or training providers. These entities can apply on behalf of or in direct partnership with: Local Workforce Investment Board established pursuant to the Workforce Innovation and Opportunity Act (WIOA), business organization, industry sector partnership, a labor organization, Tribal governments, or other entities.

An eligible entity seeking CSSP cohort funding shall electronically submit an application detailing the following information:

- a. Demonstrated business need and connection to employment
- b. Participant eligibility and outreach plan

- c. Training curriculum and credentialing program that aligns with high-wage, in-demand occupation per Chapter 2, Section 4 including cohort size, training length, and training provider qualifications.
- d. Cohort Facilitation Plan
- e. Timeline
- f. Training budget

#### ***4. Eligibility determination***

MDOL will review the submitted cohort application for eligibility and communicate a provisional determination to include asks for additional information with the applicant within 30 days.

- a. **Period of eligibility.** Once an applicant is fully eligible for and enrolled in CSSP they remain eligible until the completion of their education and training program pursuant to Section 6.6, are terminated from the program pursuant to Section 6.10A or have voluntarily withdrawn from CSSP. Any period of participation in the CSSP program during a prior enrollment shall be credited toward the individual's total time of eligibility upon reapplication; the eligibility clock does not restart.
- b. **Termination from CSSP.** A participant shall be terminated from CSSP if the training provider has determined that the student no longer meets the qualifications required to remain enrolled in the program, the participant voluntarily withdraws from CSSP or from their approved education or training program, 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 CSSP case manager may send a notice of termination from CSSP before their supervisor has reviewed the matter and approved.
- c. **Emergency Leave or Gap in Program Services.** Participants may request to be placed in a gap for a maximum of 52 weeks. 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**

#### ***A. Application***

Applications will be made available to individuals via the CareerCenter website ([www.myworksourcemaine.gov](http://www.myworksourcemaine.gov)) as funding and training opportunities are available. Applications must be submitted electronically from the CSSP website or, if necessary, a paper application can be obtained from a CareerCenter and returned by mail or hand delivered to a CareerCenter. 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.

#### ***B. Eligibility determination.***

Eligibility is determined by the following process

**Stage One - Initial Eligibility Screening:** Review of initial application to determine that applicant appears to meet eligibility requirements for age, Maine residency, and household income.

**Stage Two - Verification of Eligibility and Credential Review:** The CSSP case manager communicates with the applicant to confirm the education/training desired is an occupation on the CSSP High-Wage In-Demand (HWID) list. 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 (l)(C). Verification documents confirming Stage 1 eligibility will be collected during this stage and the applicant will be required to complete their Maine Job Link demographic profile if not already completed. 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. CSSP funds must be available to assist in credential evaluation/translation if other resources are not available. If the assessment during Stage 2 determines the applicant lacks a marketable certification or degree pursuant to Section 1.15, their employment goal meets the criteria of Section 4 and all required verification documents have been provided, Stage 3, the final stage will begin.

**Stage Three - Career Plan Development:** An applicant who meets the CSSP eligibility will work with the CSSP case manager to develop a Career Plan. Once the Career Plan is developed, agreed upon and signed by the applicant and CSSP case manager, the applicant is considered enrolled and a Participant in CSSP. See section 6: Career Plan

### ***C. Decisions***

Any decision regarding eligibility, risk of termination from the program or final decisions to terminate must be in writing, must be sufficiently specific for the applicant or participant to understand why the decision is being made and delivered electronically or mailed to the applicant or participant. All such decisions will include a Notice of the right to appeal pursuant to Section 7.

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

### ***A. 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.

#### ***1. Review of Statewide recommendations***

At least bi-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") bi-annually. Once approved, the list will be posted on the Maine Career Center website ([www.myworksourcemaine.gov](http://www.myworksourcemaine.gov)) on the Competitive Skills Scholarship Page.

## ***2. Regional and industry specific recommendations***

If a regional organization, including a Local Workforce Investment Board established pursuant to the Workforce Innovation and Opportunity Act (WIOA), 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.

## ***3. 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 of Employment Services 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.

## ***4. 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.

## ***5. 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 Career Plan.

## ***Credential Evaluation of Foreign Degree***

If otherwise eligible, CSSP funds will 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.

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

### ***A. No supplantation***

Competitive Skills Scholarship Funds (CSSF) and other sources of funding available to assist people pursuing post-secondary education shall be leveraged/combined whenever possible to maximize available dollars.

1. **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 their 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 CSSP case manager will determine whether applicants to CSSP may be eligible for TAA or a TRA allowance.
2. **WIOA.** CSSP participants may be enrolled in both WIOA and CSSP. Taking into account written local WIOA policies and CSSP rules, each program's ISS should maximize the availability of education, training and related support services from both funding sources. 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.
3. **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.
4. **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, YR funding may be obtained. CSSP services necessary to participate in the education or training program and that are not available through VR may be provided. CSSP 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.

5. **Parents as Scholars.** Parents who receive Temporary Assistance for Needy Families (TANF) will be required to apply for Parents as Scholars (PaS) which provides support for education similar to CSSP by contacting their Maine Department of Health and Human Services (DHHS) case worker.
6. **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 their 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.

### ***B. Identifying Non-CSSP Supports.***

The CSSP 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 their education or training program.

### ***C. 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 Career Plan.

## **SECTION 6: CAREER PLAN**

### ***A. Informed Career Planning; Individual Career Plan***

For purposes of this rule, the Career Plan is the individual career plan that is developed by the participant and CSSP case manager. The Career Plan includes all funding sources planned to meet the participant's needs, including CSSP resources and resources other than CSSP. Those Individual Career Plans that include CSSP funding must comply with this rule. CSSP case managers must endeavor to assure that all applicants and participants, before their Career 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. The Career Plan and any amendments to a Career Plan must be signed by and a copy provided to the participant. Updates to the Career Plan require participant and CSSP case manager signatures, and if needed, translation of the document or use of language interpreter. The Career Plan must document outcomes pursuant to Section 6.3 including but not limited to; the participants employment goal, 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 their 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 financial aid forms and other supports.

### ***B. Timing***

The Career Plan must be created within thirty (30) days from the date of Stage Two eligibility determination pursuant to Section 3.2. Services provided under the Plan and enrollment in CSSP commence as a participant when the ISS is reviewed and approved by the CSSP Program Manager or the Program Manager's designee, signed by the CSSP applicant and the CSSP case manager.

### ***C. Comprehensive Assessment.***

The comprehensive assessment assists the applicant and CSSP case manager in determining the applicant's education and training and support service needs. The CSSP case manager and the applicant must:

1. 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.
2. 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 their education.
3. 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. 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.
4. As necessary, assess the applicant's ability to succeed in their program; 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, criminal history implications, 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.
5. Determine if an accommodation will be needed to successfully participate.



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

The applicant selects their 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 their 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 following information, to be stated in the Career Plan will be collected by the CSSP case manager in consultation with the participant:

1. The occupational goal and the education or training required to meet that goal.
2. Degree or credential expected at time of completion.
3. Services and support to be provided under the plan.

### ***E. Selection of education or training program.***

Training providers will be selected based on cost-effectiveness. Documented scholarship/financial aid packages offered and/or improved access to required courses, clinical placements or internships will be considered when determining the cost effectiveness. Programs must meet one of the following criteria: Be on the State WIOA 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).

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. 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.

The duration of developmental, prerequisite, English Language Learner or refresher courses must relate directly to the participant's 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.

### ***F. Location of Training***

1. Training programs located outside of Maine shall not be approved unless appropriate training is not available within the state and within the participant's commuting area pursuant to Section 1.5. Training programs located outside the State of Maine may be approved if the training program is within the participant's commuting area. Any training program conducted at a location outside the United States is not allowed unless it is in Canada and within the applicant's commuting area.

2. Virtual courses or programs, regardless of their base of operations are considered within the participant's commuting area.

### ***G. Duration of Education or Training.***

The participant must take part in year-round training as classes are available by the training institution. Participants in postsecondary degree and certificate programs must complete their education or training program within the following class time schedule: 6 years for a bachelor's degree; 3 years for an associate 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, or is enrolled in a Certified Pre-Apprenticeship

Program, then, to the extent required, the maximum duration may be extended up to an additional 52 weeks beginning with the first day of class. 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 Extending a participant's enrollment from an associate to a bachelors' degree and/or changing a Major or Degree program.

To be eligible for an extension from an associate to a bachelors' degree or to change a major or degree:

1. The CSSP Participant must currently hold a cumulative GPA of at least 3.0 in their major - degree related courses. (Good Cause may be granted under exceptional circumstances).
2. The degree or credential that the participant wants to extend for and/or change major/degree for must be on the current high-wage in-demand list;
3. CSSP will consider supporting/approving a change in major only once over the course of a participant's enrollment in the CSSP program. (Good Cause may be granted under exceptional circumstances);
4. The participant must be accepted into their bachelor degree program of study by the time they graduate from their associate degree, or for a change in major/degree the participant must be accepted into their new major/degree program prior to approval;
5. The participant must request the extension/change prior to graduation from their initial program;
6. Under no circumstances will we extend a participant's enrollment in CSSP if they have already graduated from their original CSSP program degree/goal prior to making the request; and
7. The total length of the program cannot exceed that which is permitted for a person seeking a two-year or four-year degree.

CSSP funds may not be used to assist participants in obtaining their master's or doctorate degree.

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

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

- A. 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 TSS. All costs for services and goods must be pre-approved and verified with documentation before they are paid by CSSP.
- B. CSSP funds will 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.
- C. CSSP assistance must not exceed that which is necessary for the individual to participate in their 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 \$10,000 for a full-time student and \$5,000 for a less than full time student must be approved by the Director of the Bureau of Employment Services, the Commissioner, or the Deputy Commissioner. Full-time and less than full time student status is defined by the institution the person attends.
- D. 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.
- E. 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.
- F. 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 CSSP case manager's supervisor and noted in the ISS.

### **2. 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, CSSP 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 CSSP case manager and the participant must consider:

- A. 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 CSSP case manager.)
- B. 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.
- C. The costs counted toward the cost of attendance in determining the financial aid.
- D. 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.

### **3. Allowable Expenditures Included in the CSSP Annual Cap**

CSSP funds used for the following supports are INCLUDED in the CSSP Annual Cap of \$10,000 for a full- time student and \$5,000 for a part-time student.

- A. Tuition and fees. CSSP may assist with tuition, on-campus room and board, and mandatory fees.
- B. Licensing or Certification. CSSP may assist with the cost of licensing or certification necessary to practice in an occupation for which the individual is qualified.
- C. Credential Evaluation: CSSP assists with reasonable costs associated with credential evaluation and/or prior learning assessments that may allow the participant to progress more quickly through their education or training program.
- D. **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. 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 participants.

### **4. Allowable Expenditures Excluded from the CSSP Annual Cap**

CSSP Payments for the following support services are NOT included in the CSSP cap defined in Section 6.8.b.

Support is available to eligible CSSP participants with unmet need and determined necessary for the

participant to successfully complete their education or training program pursuant to Section 6.3.C and 6.3.E. Services including tuition, books, fees, stipends, childcare and transportation, for which the applicant is determined eligible will be provided retroactively to the date of application or the date there is demonstrated need for services covered by the program and required for successful participation, whichever is later. In the case of Apprentices, family income will be re-evaluated annually to determine eligibility for support services. Support Services will be available as outlined in Section 6.8 if the household income remains less than 275% of the poverty level for the household size as calculated in Section 2.2.

- A. **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 CSSP case manager's supervisor, CSSP will pay for 100% of the costs of childcare when it is required for a participant to meet their 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, including any copay that the parent may be subject to under the rules governing any other subsidized childcare program. 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.

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

- i. **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 from their home to the training facility and to drop off or pick up children for those days when he/she participate in scheduled classes. Mileage reimbursement is limited to a maximum of 350 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. Weekly/monthly travel request forms may be submitted electronically by email, in person, or by mail.
- ii. **Auto Repairs.** CSSP pays up to a maximum of \$1,000 annually for automobile repairs while the CSSP student is participating in their 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 their 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 to their selected licensed shop or reimbursement for payment made for repairs. Payments of approved repair costs are made only following submission of an itemized bill.

**C. *Other Necessary Service or Need.*** 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 CSSP 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 satisfy the necessary service or need. 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.

- D. ***Training Stipend.*** Participants whose annual household income is below 175% of the federal poverty level are eligible for a monthly training stipend for any month in which the participant must attend their postsecondary or industry recognized education or training program. Eligibility for the stipend must be determined each year on the anniversary of the participant's initial CSSP eligibility date. 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. Full-time definition for short-term training is 12 hours/week classroom time. Clinical or driving hours can be counted toward the 12 hours per week. Participants in associate or bachelor nursing or education programs will be considered Full-time if they have 6 or more classroom credits during a semester and are also attending clinicals, externships or practicums during the semester. Classes must be required for the participant's CSSP approved education or training program to be counted toward full-time status. Registered Apprentices and pre-apprentices enrolled in CSSP are considered in full-time status during any month they attend two full weeks of classroom training or on-the-job learning that is required by their Apprenticeship Program. 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 CSSP stipend would equal Maine's maximum weekly unemployment benefit  $\times .333 = X$  times 4,348.1. 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 (DWB), unemployment compensation (UI) or Trade Readjustment Act (TRA) benefits are not eligible for a CSSP stipend in any month that they are eligible for and receiving one of these benefits. Participants pending UI eligibility, awaiting adjudicator decision or an administrative hearing will be entitled to stipend until they begin receiving Unemployment Insurance payments if they meet all other stipend eligibility criteria. 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 175% of the federal poverty level 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. CSSP participants meeting the definition of Dependent Applicant in Section 1 are not eligible for 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.

## **5. *Other Documentation in Career Plan***

Other Documentation in the Career Plan must include:

- A. **Amendments.** The Career Plan 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. Updates to the Career Plan require participant and CSSP case manager signatures and if needed, translation of the document or use of language interpreter.
- B. **Right to appeal.** Each Career Plan and Career Plan 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 the participant is dissatisfied with the ISS.

## **6. *Career Plan Review***

The terms of the Career Plan, including eligibility for a CSSP stipend, must be reviewed by the CSSP case manager and the participant each year on the anniversary of the participant's initial CSSP eligibility date or sooner, as needed.

- A. **Satisfactory Progress.** To remain eligible for CSSP education, training and support services, participants must demonstrate satisfactory progress in their education or training program unless Good Cause is demonstrated. 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.

Satisfactory progress includes:

- Continued ability to complete the Training or Education program within the time specified in Section 6.6
- Maintenance of good financial standing with the Training or Educational Institution and retaining the continued right to

register and enroll in classes, having access to official transcripts, and ability to receive an official diploma or certificate.

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. The participant will have one term in which to regain satisfactory progress before being terminated from CSSP financial assistance for education, training, or support services. When a participant's GPA is above the 2.0 threshold, but they have frequently withdrawn from classes without authorization from the CSSP case manager, failed, or dropped out of classes, CSSP specifies the following.

Any combination of more than five (5) unauthorized class withdrawals, failures and or drop-outs throughout the duration of a participant's training is grounds for termination from the CSSP Program. Participants who fail to maintain or regain satisfactory progress in their education or training program will remain eligible for CSSP job search assistance or referrals to other services 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 CSSP case managers 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 CSSP case manager's 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. An appeal must be made in writing and submitted electronically, by mail or delivered by hand. 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 their right to appeal to the Program Manager, and if dissatisfied with that decision, to appeal by requesting a fair hearing. CareerCenter or CSSP staff shall assist applicants or participants who express a desire to file an appeal or hearing request with the process.

## SECTION 8. NON-DISCRIMINATION

The Competitive Skills Scholarship Program (CSSP) ensures that programmatic services are accessible to universal customers, including individuals with disabilities and limited English proficiency and follows the nondiscrimination and equal opportunity provisions as defined in Equal Opportunity is the Law and outlined in Maine's Nondiscrimination Plan. This prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any financial assistance program or activity. CSSP further follows all Common Assurances as outlined in Maine's Unified State Plan, that span across MDOL programs to ensure reasonable representation and/or attendance, accessibility, notice of communication and ability for public comment and/or disclosure of conflict of interest.

All program materials, web-based or printed, workshops and other interactions with registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees, will contain the equal opportunity tag line language. "The Maine Department of Labor provides Equal Opportunity in employment and programs. Auxiliary aids and services are available to individuals with disabilities upon request."

The Competitive Skills Scholarship Program (CSSP) uses an online case management and data-base tool to record and track registrant, participant and terminnee information. This system is designed to collect and maintain records on every registrant, eligible applicant, participant, and terminees (both positive and negative program exiters) to include demographic information, including race/ethnicity, sex, age, disability status, where known, and preferred language. Participants and staff enter and use data into the system to determine eligibility, upload supporting documentation, document employment and training plans, resumes, progress on plans, credentials, employment, and wage following exit. Participant training and supportive service budgets and expenses are also traced in the online case management and data-base system. The information is stored in a manner that ensures confidentiality and is a password protected system and must only be used for purposes of recordkeeping and reporting, determining eligibility, where appropriate, for CSSP financially

assisted programs or activities; determining the extent to which the recipient is operating its CSSP financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

## **SECTION 9. 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 10. LIMIT ON ADMINISTRATION AND CAREER COUNSELING**

The Commissioner shall establish a limit on or a formula that limits the proportion of program funds that are expended on career counseling and for administration.

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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