

RULE GOVERNING THE COMPETITIVE SKILLS SCHOLARSHIP PROGRAM

Table of Contents

Section 1: Definitions.....	1
Section 2: Eligibility.....	2
Criteria.....	2
Determining Financial Eligibility.....	2
Verification.....	4
Period of eligibility.....	4
Termination from CSSP.....	4
Section 3: Application and Decision.....	4
Section 4: High Compensation Occupations with Demand for Skilled Labor.....	5
Section 5: No Supplantation; Maximizing use of Other Resources.....	6
No supplantation.....	6
Identifying Non-CSSP Supports.....	87
Section 6: Individual Service Strategy.....	87
Informed Career Planning; Individual Service Strategy.....	87
Timing.....	87
Assessment.....	8

	Selecting an occupational and education or training goal	<u>98</u>
	Selection of education or training program.....	<u>108</u>
	Duration of Education or Training.....	<u>119</u>
	Documentation in ISS.....	<u>1140</u>
	CSSP Education, Training and Support Services.....	<u>1240</u>
	Provisions applicable to all CSSP services.....	<u>1240</u>
	Student Aid	<u>1240</u>
	Tuition and fees.....	<u>1344</u>
	Support services	<u>1344</u>
	Stipend.....	<u>1644</u>
	Other Documentation in ISS.....	<u>1744</u>
	ISS Review	<u>1714</u>
	Satisfactory Progress.....	<u>1744</u>
	Section 7: Appeals.....	<u>1745</u>
	Section 8: Gender Equity.....	<u>1845</u>
	Section 9: Limit on Administration and Career Counseling costs	<u>1845</u>

PURPOSE

This rule implements the Competitive Skills Scholarship Program (CSSP) enacted pursuant to PL 2007 eCh. 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.

SECTION 1: DEFINITIONS.

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

and was intended to prepare the individual for a specific occupation which they have not worked in for the last 15 years.

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

SECTION 2: ELIGIBILITY

1. **Criteria.** Within the limits of available program resources (taking into account ongoing commitments to current participants), an applicant individual will be eligible enrolled for in CSSP if the applicant individual applying for CSSP meets the following enrollment:
 - A. Resident of and lives in Maine.
 - B. Is at least 18 years of age;
 - C. Is legally eligible to work in the United States;
 - D. Does not have a marketable postsecondary degree;
 - E. Has income of less than 200% of the poverty level for the household size as calculated in paragraph 2 of this section;
 - F. Is seeking education or training for an occupation approved according to Section 4;
 - G. Has the ability to undertake and complete the education or training program. An applicant's ability is determined pursuant to Section 6.3.
2. **Determining Financial Eligibility.** An applicant is financially eligible for CSSP when the applicant's household income, other than excluded income, is below 200% of the federal poverty guidelines. When determining the income of the applicant's household:
 - A. **Household.** The income and the size of the household are determined by the members of the household at the time of application.
 - B. **Household income.** The case manager calculates the sum of the last four weeks of income, excluding income that is no longer received, of each household member (except dependent children) and excluding and including sources of income as provided in this section. If the last four weeks of income does not accurately reflect the income anticipated in the future, the case manager will use documentation and other information provided by the applicant individual to make a best estimate of income for the following four weeks.

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

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

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

- Unemployment Compensation
- Child Support Payments
- AmeriCorps Living Allowances
- Social Security Old Age Survivors Insurance (OASI) & Survivor's Benefit Payments
- TANF* Refugee Assistance* General Assistance
- Capital Gains
- Foster Care Child Payments
- Assets Withdrawn from a Bank
- Sale of Property/House/Car
- Tax Refunds
- Earned Income Tax Credit
- Field Placements
- Gifts
- Loans
- Lump-Sum Inheritances
- One-time Insurance Payments
- Student Loans
- One-time Compensation Payments for Injuries
- Non-Cash Benefits, including, but not limited to:
 - Employer Paid Fringe Benefits
 - Food/Housing Received in Lieu of Wages
 - Medicare

Medicaid
Food Stamps*
School Meals
Housing Assistance
Supplemental Security Income
TAA/TRA Payments
All federal and state need-based financial aid resources granted through the financial aid award process
Income of dependent children
Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service connected death, vocational rehabilitation, and education assistance.

Any income that the household no longer receives.

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

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

3. **Period of eligibility.** Once an applicant is fully eligible for and enrolled in CSSP they remain eligible until the completion of his or her education and training program pursuant to Section 6, earlier of: a determination that their income exceeds 250% of the federal poverty level, six months following the time they have met their education and training goal as established in the ISS, one month after they begin full time employment after receiving their credential, or the participant person is terminated from the program after notice of termination and the opportunity to appeal or the participant person has voluntarily withdrawn from CSSP. The case manager shall review whether the person's household income exceeds 250% of the poverty level at least annually.
4. **Termination from CSSP.** A participant person shall may be terminated from CSSP if the participant person has failed to make satisfactory progress pursuant to Section 6; the participant person voluntarily withdraws from CSSP, fails to provide documentation of satisfactory progress, falsifies or misrepresents CSSP eligibility, training or support services needed, or has misused funds or refused to cooperate pursuant to Section 6; the person's household income exceeds 250% of the poverty level or the person has voluntarily withdrawn from CSSP. Participants terminated from CSSP under Section 2.4 are not eligible to reapply to CSSP. No case manager may send a notice of termination from CSSP before his or her supervisor has reviewed the matter and approved.

SECTION 3. APPLICATION AND DECISION.

1. **Application.** ~~Each CareerCenter will make available to customers a written Applications for education/training services, including CSSP, which the customer may will be made available to individuals at the CareerCenter and on the CareerCenter website as funding and training~~

opportunities are available. Original signed applications must be submitted to the CareerCenter. Applications submitted more than six months in advance of the applicant's customer's intended start of their education or training program ~~will not~~ would be considered for WIA, but not CSSP. (If eligible for WIA, WIA may provide intensive case management and other WIA services, then take the customer's application for CSSP when they are within six months of their intended start date.) For CSSP eligibility to be determined, an applicant or a person inquiring at a CareerCenter about education or training services must attend attend an appointment or group meeting where they will be assisted in completing the application (or in reviewing their application if they have already completed one.) A meeting time or appointment will be scheduled within 30 days of the application or inquiry. If a person fails to attend that meeting or appointment, the CareerCenter will consider the application or inquiry withdrawn unless the individual has arranged with the CareerCenter to attend a meeting or appointment at a different time. (If the person's inquiry or application is withdrawn, they may inquire or apply again if they wish.)

2. **Eligibility determination.** Eligibility is determined in a two-stage process. Stage One initial eligibility is determined based on review of the applicant's based upon age, household income, and eligibility to work in the United States pursuant to Section 2. 1. A. B. C and E, and lack of marketable post-secondary degree is determined within 15 days of the appointment or meeting. In the second Stage Two, the CareerCenter works with a the applicant person who is initially eligible to and assesses the lack of a marketable postsecondary degree pursuant to Section 1.9; whether they have the ability to succeed in their program pursuant to Section 6.3 and whether their employment occupational goal meets the criteria of Section 4. If the assessment determines that they applicant lacks a marketable postsecondary degree, have the ability to succeed and that their employment occupational goal meets the criteria of Section 4, they are fully eligible for and enrolled in CSSP.
3. **Decisions.** The case manager and the participant will develop an ISS pursuant to Section 6. The ISS must list the services that will be provided pursuant to this Rule. The ISS, and any amendments to an ISS, constitute a decision and must be printed, signed by the participant, and a copy provided to the participant. A decision regarding initial eligibility, the applicant's person's ability to succeed in their program, or whether their program meets the requirements of Section 4 may must be appealed under meet the requirements of Section 7. Every decision regarding initial eligibility, ability to succeed or the program meeting the requirements of Section 4 must be in writing, must be sufficiently specific for the applicant or participant customer to understand why it is made, and must be given in hand or mailed to the applicant or participant customer.

SECTION 4: HIGH COMPENSATION OCCUPATIONS WITH DEMAND FOR SKILLED LABOR

1. **Choosing industries and occupations.** The education or training provided through CSSP must be for employment with high compensation occupations with significant demand for skilled labor in Maine. The industries that meet this criteria are chosen by the following process:
 - A. **Review of Statewide recommendations.** At least annually, the Commissioner will review recommendations and labor market analysis from the Maine Department of Labor's Center for Workforce Research and Information (CWRI) listing high compensation occupations in significant demand in Maine, will seek a recommendation from the State Workforce Investment Board Maine Jobs Council, and will approve a final list (hereinafter referred to as the "occupations list") annually by April 1st of the year.

B. Regional recommendations. If a regional organization, including a Local Workforce Investment Board established pursuant to the Workforce Investment Act, a business organization, 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 to include them.

C. Individual petition. An applicant individual who seeks to pursue training or education for an occupation in Maine that is not on the occupations list, may petition the Director of the Bureau for a determination that the education or training that they seek may be supported by CSSP. The petition will be granted if the applicant individual can demonstrate that the occupation offers high compensation and is in sufficient demand that the applicant individual is likely to find employment in the region(s) where they intend to seek work.

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

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

SECTION 5: NO SUPPLANTATION; MAXIMIZING USE OF OTHER RESOURCES

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

A. **TAA and TRA.** Individuals eligible for Trade Adjustment Assistance (TAA) must exhaust all other resources needed to participate successfully in their training program. If an participant individual receiving TAA needs a support service that is not available under TAA in order to participate successfully in his or her training program, eligibility for that support service under CSSP may be determined. Persons eligible for a TRA allowance are not eligible for the CSSP training stipend under section 6 of this rule. The case manager will determine whether applicants to CSSP may be eligible for TAA or a TRA allowance.

B. **WIA.** ~~CareerCenter customers seeking education and training assistance should be treated as applying for both CSSP and WIA.~~ Participants ~~Persons enrolled in~~ enrolled in ~~eligible for~~ both WIA and CSSP shall receive WIA services in accordance with the written WIA policies (including policies that determine the amount or nature of education, training and support services) that are applicable to all WIA participants in the local WIA area. Taking into account written

local WIA policies and CSSP rules, each ISS should maximize the availability of education, training and related support services from all funding sources. All ISS plans containing CSSP funding must be reviewed by the CareerCenter Manager designated by the Director of the Bureau. WIA assistance shall not be reduced if a person who is already participating in WIA applies for and is eligible for CSSP unless WIA funding committed to for the participant individual under local WIA policy or WIA funding for education and training and related support services for the region has been exhausted. For WIA enrolled participants eligible for CSSP, written documentation from the WIA service provider that education, training and support service funds have been exhausted is required before CSSP funds may be used to support a current WIA funded Individual Service Strategy.

~~By December 1, 2008 and at least annually thereafter, The Bureau of Employment Services (BES) will review WIA and CSSP expenditures annually to determine the extent to which both are being maximized for education and training and related support services.~~

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

2. **Identifying Non-CSSP Supports.** The case manager and the applicant or participant must identify other sources of support public programs in addition to CSSP that are available and required to participate could assist the participant in affording his or her education or training program. ~~The case manager must review with the participant, at a minimum, the availability of the Earned Income Tax Credit (EITC), Food Stamps, and health coverage, and provide information about those resources to participants as needed.~~
3. **Documentation.** Support from programs other than the CSSP to which the participant has been referred, has applied for, receives or expects to receive must be documented in the ISS.

SECTION 6: INDIVIDUAL SERVICE STRATEGY DEVELOPMENT

1. **Informed Career Planning; Individual Service Strategy.** For purposes of this rule, the an ISS is the individual career plan that is developed by the participant and case manager. The ISS includes all funding sources planned to meet the participant's needs, including CSSP resources and resources other than CSSP. is an education or training plan that shows, among other things, all sources of funding administered by the CareerCenter that assist participants in succeeding in their program. Those ISS plans that include CSSP funding must comply with this rule. CareerCenter staff must endeavor to assure that all applicants and participants, before their ISS plans are developed, are fully informed of the opportunities available to them through CSSP as well as through other programs. In addition to the occupations established in Section 4, applicants and participants must be provided, in writing, a complete list of education, training and support services available through CSSP so that need for services can be determined per Section 6.3 they may check those services they are requesting. A list of the same services must also be made available to CareerCenter customers so they that may understand the opportunities available if they wish to apply.
2. **Timing.** The ISS must be created within forty-five (45) days from the date of Stage Two eligibility determination pursuant to Section 3.2 application. Services provided under the ISS After the ISS is signed by the CSSP applicant and the CareerCenter manager or his/her designee, a CSSP applicant becomes a participant and services will commence when the ISS is first created and signed by the participant.
3. **Comprehensive Assessment.** The comprehensive assessment determines whether an applicant person who is Stage One initially eligible for CSSP has a marketable post-secondary degree, the ability to succeed in their program and whether their education or training and related occupational goal meets the criteria of Section 4 four. The assessment also assists the applicant participant and case manager in determining the applicant's participant's education and training and support service needs. The case manager and the applicant participant must:
 - A. Review the industries and occupations available pursuant to Section 4, together with labor market information about the demand for employment in Maine and within his or her labor market area, the value of wages and benefits, educational requirements of the training , total occupation and training program costs and availability of educational programs for his or her employment goal for particular occupations of interest to the participant.
 - B. Determine the individual's ability to succeed in his or her chosen program. Any person who has already been Verify the applicant is admitted to a diploma, certificate, or their 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 is deemed to have the ability to succeed in their program.

C. Assess, determine the need for and list the various supports including total costs of all support services that may be available within and outside of CSSP that are required may assist of the applicant participant to succeed educationally and survive financially during the course of his or her education.

D. Assess whether prerequisite, developmental, English language learner or refresher courses and a high school diploma, equivalency or general equivalency diploma are required needed to participate successfully in a program leading to a postsecondary degree, or certificate or credential recognized by industry or trade. Determine if pre-requisite, developmental, English language learner or refresher courses and high school diploma, high school equivalency or general equivalency diploma minimum requirements of the education and training program can be met within the 26 week time period pursuant to Section 6.6. If assessment tools are needed, they should be administered at the lowest reasonable cost by either the Career Center or by qualified staff at another organization.

E. Determine the applicants' ability to succeed in his or her program by assessing: interests in field of study and employment, high wage and significant demand employment opportunities within their labor market, academic achievement and aptitudes required of the training program and occupation, transferable work skills related to the employment goal, physical capacity to perform the work, financial subsistence capability for the duration of the training program, ability to complete the program pursuant to Section 2.1 and 6.6, reemployment services needed to prepare for job search and other significant factors as determined by the case manager in consultation with the CSSP Program Manager.

F. Determine if the applicant has a marketable postsecondary degree pursuant to Section 1.9.

G. Determine capability to participate successfully in online courses that may be required of the education and training program.

D.H. Determine if a disclosed physical or cognitive disability may have vocational implications on training, employability or fulfilling the requirements of the occupation.

4. **Selecting an employment, occupational and education or training goal.** The applicant participant selects his or her employment, occupational and related education or training goal that is within their current or planned labor market area. The applicant's participant's goal must be within the occupations in significant demand established in Section 4. CSSP will support the undergraduate education or training needed to achieve that goal if it results in a postsecondary certificate, degree, or similar credential that is universally recognized and accepted by the trade, or industry or employers in which the applicant participant intends to seek employment and that is likely to provide opportunity for employment in jobs that will provide substantial improvement in his or her the participant's capacity to earn wages and benefits. If a participant's goal requires a graduate level degree, CSSP will support only the education needed to achieve the relevant undergraduate degree. In this circumstance, the relevant undergraduate degree is presumed to meet the requirements of this paragraph. A program is a postsecondary program if a person entering it has a high school diploma, high school equivalency or GED before they enter the program that will grant the credential he or she they seeks. The ISS must state:

- A. The participant's occupational goal and the education or training required to meeting that goal.
 - B. The expected compensation on entry to the occupation and as an average for the occupation based upon available Maine labor market data for his or her labor market.
 - C. A reference to Section 4 showing the occupational goal is either on the occupations list or meets the individual petition requirements.
 - D. A list of potential employers within his or her labor market that may employ graduates of the education and training program.
 - ~~C.E.~~ Section 6.3 documentation that supports the education and training plan.
5. **Selection of education or training program.** An education or training program for an individual must be at the lowest cost available to the individual within his or her commuting area, provided that it is of good quality as determined by CSSP. Online courses or programs, regardless of their base of operations, are considered to be within the person's commuting area. Programs must meet one of the following criteria; be on the State WIA or TAA eligible provider list, recognized by trade or industry associations, endorsed by a consortium of employers to address a skills gap or must 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 industry-recognized certificates or credentials.
- A. Public vocational schools, community colleges or university programs are presumed to be the lowest cost alternative unless there is evidence to the contrary.
 - B. For any developmental, prerequisite, English Language Learner or refresher program priority will be given to Maine Adult Education and the College Transitions Program or programs approved by the Department that are the most cost effective. Expenditures from the participant's federal financial aid award to cover these costs should be avoided.
 - (1) The duration of developmental, prerequisite, English Language Learner or refresher courses must relate directly to his or her the individual's education or training program as developed through the assessment and shall not exceed 26 weeks one year in duration from the date of enrollment in the first course. The correlation between the duration of this education and the his or her individual's employment and education goal must be documented in the ISS.
 - (2) Participants enrolled Persons participating in developmental, prerequisite, English Language Learner or refresher courses must attend full time to be eligible for the training stipend. Full time in these programs is equivalent to a minimum of twelve (12) nine (9) hours per week of classroom training. Participants are required to participate in the maximum number of hours necessary to reach the developmental, pre-requisite, English language learner goals in the shortest amount of time possible within the 26 week period as determined by the education and training provider.
- C. Location of Training. Location of training should be considered.

(1) Preference must be given to training that is offered within the his or her individual's normal commuting area. If more than one training provider exists offering training for the same credential of comparable quality within the commuting area, then the least expensive training institution will be chosen. When suitable training is not available within the commuting area, training outside the area may be authorized if available at a reasonable cost pursuant to this Section Chapter.

(2) Training programs located outside of Maine for ~~individuals residing in Maine~~ shall not be approved unless appropriate training is not available within the state and within his or her the individual's commuting area pursuant to Section 1.3. Training programs located outside the State of Maine may be approved if the training program is within his or her the individual's commuting area. Any training program conducted at a location outside the United States is not allowed unless it is in Canada and within his or her the participant's commuting area.

~~(2)~~(3) On-line courses or programs, regardless of their base of operations, are considered within his or her commuting area.

6. **Duration of Education or Training.** The participant must participate in year round training as classes are available by the training institution. Participants in postsecondary degree and certificate programs must complete their education or training program within the following class time schedule: 150 weeks for a four year degree; 75 weeks for a two year degree and 45 weeks 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. complete his or her education or training program within twice the amount of time a full-time student, as defined by the institution, would ordinarily complete the program. This permits a participant to choose to work part time or meet other essential obligations and still access the program. If the participant individual requires developmental, English Language Learner, refresher or prerequisite education, then, to the extent required, the maximum duration may be extended up to an additional 26 weeks beginning with the first day of class one year. This paragraph should not be construed to prevent a participant who began in CSSP with a goal of a one year diploma or certificate or a two-year undergraduate degree to then choose to pursue a two year degree or four year undergraduate degree in a related field so long as the total length of the program to attain the degree does not exceed 75 or 150 weeks respectively that which is permitted for a person seeking a four year degree. The Director of the Bureau, the Commissioner or the Deputy Commissioner of the Department under exceptional circumstances may waive or extend this provision if exceptional circumstances can be demonstrated by the participant.

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

financial subsistence plan including all sources of income supports, financial aid or other financial contributions in support of and for the duration of the plan, and specific job search activities.

8. CSSP Education. Training and Support Services.

A. Provisions applicable to all CSSP services.

- (1) CSSP provides education, training and support services, as provided in this rule, that are not reasonably available from another publicly available source and that are necessary for participants to successfully complete the education and training program established in the ISS. All costs for services and goods must be verified with documentation before they are paid by CSSP.
- (2) CSSP assistance must not exceed that which is necessary for the individual to participate in his or her plan. Any ISS resulting in total-s for a participant for a state fiscal year cost (except for the cost of CSSP stipends ~~and~~ the cost of Childcare ~~and the cost of "other needs"~~ described in Section 6.8.D.E.7) projected to be greater than \$68,000 for a full time student and \$34,000 for a less than part full time student must be approved by the Director of the Bureau, the Commissioner, or the Deputy Commissioner. Full-time and less than full part-time student status is defined by the institution the person attends.
- (3) CSSP pays only for the least expensive education or training program or support service provided that it is accessible for the participant and is of acceptable quality as determined by CSSP.
- (4) Any documented and substantiated misuse of funds, purchased goods, ~~and/or services, by~~ and/or falsifying or misrepresenting CSSP eligibility information and/or need for training or support services by a participant will be grounds for the termination from the program.
- (5) CSSP participants are required to cooperate in providing information available to them for the purpose of investigation of Section 6.8.A.4 ~~such allegations of misuse of funds and CSSP quality or financial control audits.~~ Failure to cooperate is grounds for termination from the program.
- (6) CSSP services may be adjusted and provisions in this Chapter may be disregarded to the extent necessary to reasonably accommodate a person with a physical or mental disability pursuant to the Americans with Disabilities Act and Maine's Human Rights Act. Such adjustments must be approved by the case manager's supervisor and noted in the ISS.

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

- (1) Whether to request the financial aid office to exercise professional judgment in calculating the student's financial aid. (A list of reasons for which professional judgment may be exercised will be provided to the participant and the case manager.)
- (2) How much, if any, "unmet need" the participant has when determining their financial aid and how much of the financial aid package is in the form of loans.
- (3) The costs counted toward the cost of attendance in determining the financial aid.

(3)(4) The decision to incur student loans to cover education and training programs costs otherwise not covered by CSSP and other sources of state and federal aid is made at the discretion of the participant.

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

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

(1) **Childcare.** CSSP pays for 80% of the unmet costs of childcare for children in the participant's household who are under the age of thirteen (13) or physically or mentally incapable of caring for themselves. In situations that are not included above but are recognized to exist and are authorized by the case manager's supervisor, CSSP will pay for 80% of the unmet costs of childcare when it is required for a participant to meet his or her education or training obligations. Conditions that must be met to obtain childcare assistance are as follows:

(a) 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.

(b) 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.

(c) CSSP will pay for 80% of the unmet 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, ~~for the transitional childcare program.~~

(d) 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.

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

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

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

- (a) **Auto Repairs** — During the enrollment period, CSSP pays up to a maximum of \$600 \$1000 per participant per state fiscal year for automobile repairs while participating in his or her 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 on a vehicle used by the participant while participating in his or her education or training program, 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 either the participant as necessary to participate in his or her program, or a member of the participant's household (Household as defined in Section 1.7). 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:

- i. Repair costs must be approved in advance of the actual service ~~except in the case of an emergency.~~ The participant is required to ~~apply for and provide an estimate~~ and evidence of the need for the repair, which has been signed by a licensed inspection mechanics, prior to approval being given. A qualified person of the participant's choice may perform the actual repair. ~~In an emergency, the participant should request payment or reimbursement for a tow or repairs.~~
- ii. Payments of approved repair costs are made only following submission of an itemized bill.

- ~~(b)(a) **Auto Liability Insurance** — CSSP will pay the cost of the minimum liability insurance required by Maine law up to a maximum of \$1000 per state fiscal year for a vehicle registered to and primarily operated by the participant and necessary to~~

participate in his or her program. CSSP requires that a copy of the automobile registration be submitted prior to approval of payment for auto liability insurance.

~~(e)(a) **Advance payments**~~—Transportation payments may be made in advance upon request of the individual if deemed appropriate. An adjustment shall be made if the amount of the advance is less or more than the amount to which the individual is entitled under this Chapter.

(3) ~~**Eye Care.**~~ With prior approval, CSSP pays the cost of eye care that is not covered by other sources and that is necessary for the participant to participate in his or her education or training program. Payment for eye care appliances must be for the least expensive quality option to correct the deficiency and must not exceed \$350 per state fiscal year. If a participant has an unusual vision condition requiring special lenses this rate may be exceeded to cover the least expensive quality option necessary to correct the condition upon verification of the need and cost in writing from an optometrist or ophthalmologist.

~~(4)(1) **Dental Care.**~~ CSSP pays the cost of dental care that is not covered by other sources and that is necessary to alleviate pain or for the participant to be able to participate successfully in his or her program or to apply for or take employment. These payments must conform to MaineCare rates where such a rate is scheduled. If there is not a scheduled MaineCare rate, CSSP pays for the least expensive quality dental service necessary to correct the condition upon receipt of verification of cost and need in writing from a dentist. CSSP may request a dental review by a dentist retained by the CareerCenter if rates or the need for the service are in question. CSSP does not pay for orthodontics. Dental care reimbursement is limited to \$2,000 per participant for the period of CSSP enrollment.

~~(5)(4) **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. If unusual circumstances require items that are not mandatory for every one else in the class but are necessary for the participant to successfully participate, the case manager may approve them only with his or her supervisor's approval. The need for books, supplies, tools, equipment, services and uniforms must be documented by the education and training provider.

~~**Computers and related technology.**~~ If a participant does not have reasonable access to a computer of sufficient capacity to successfully participate in his or her education or training program, then CSSP may contribute up to \$600 for one time only for the purchase of a new or refurbished computer or to upgrade an old one, so long as the upgrade is necessary for participation in the participant's program and so long as the purchase or upgrade is the least expensive one necessary to meet the participant's education or training needs. The \$600 cap may be exceeded in extraordinary circumstances with approval from the program manager.

~~(6)(5)~~ CSSP may also pay up to \$40 per month for an Internet connection.

(7)(6) **Unanticipated Other needs.** If a need arises that is not enumerated in these rules and is not covered by other sources, but is necessary for successful participation in the participant's education or training program, the case manager may authorize up to \$1000 per participant for the period of CSSP enrollment state fiscal year to meet such unanticipated need. Unanticipated needs are defined as loss of or change in household income, loss of financial or other subsistence or loss of services resulting in unanticipated needs. Such needs may include ~~emergencies such as the threatened disconnection of a utility, the loss of heat or shelter, prescription medication not covered by insurance or similar emergency needs~~ that if not met could derail a participant's successful participation in their program. Authorization for unanticipated needs by a case manager must be approved by the CSSP Program Manager. Payment under this section should be made only if the need emergency 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 emergency.

E. **Training Stipend.** Participants whose annual household income is below 125% of the federal poverty level are eligible for a monthly training stipend for any month in which the participant must attend his or her postsecondary or industry recognized education or training program. Subsequent eligibility for the stipend must be determined every six months or any time household income increases above 125 percent of the federal poverty level. To be eligible for the stipend in a given month, the participant must attend a minimum of two full weeks of scheduled classes and be enrolled in a minimum of 12.6 credit hours of classes or in full time student status as defined by the training institution. For those participating full-time, the stipend equals one-fifth third of the maximum weekly unemployment benefit in Maine (as determined annually by the Bureau of Unemployment Compensation) and will be paid monthly. Full time student status does not include courses, credit or classroom hours in whole or in part that must be repeated due to unauthorized withdrawal or failure to pass the course. ~~For those participating part-time who enrolled in the program on or after March 30, 2009, the stipend equals one-half of the stipend for full-time participants. For those participating part-time who enrolled prior to March 30, 2009, the stipend is the same as for those participating full-time. For any household that includes a participant who enrolled after March 30, 2009,~~ 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~~part-time student status is defined by the institution the person attends unless these rules specifically state otherwise.

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

Participants who have no ongoing room and board expenses are not eligible for the stipend. Therefore, participants living in a residential healthcare facility, a correctional facility, a

dormitory or a homeless shelter are not eligible for the stipend. (Participants living in a homeless shelter, however, may be eligible for an emergency payment (Section 6.8.7 – Unanticipated Other Needs) to assist in obtaining stable housing if it would prevent homelessness from derailing the participant’s successful participation in his or her education or training program.)

9. **Other Documentation in ISS.** ~~The ISS must document the participant’s goal, education or training program, the post-secondary certificate or degree the participant seeks, any remedial, English language learner, prerequisite or refresher courses the participant will take, the length of time the participant expects it will take to complete his or her education or training and an enumerated list of education, training and support services, with their estimated costs, that CSSP will provide. Other Documentation in the ISS must include:~~

A. **Amendments.** The ISS may be amended at any time due to unanticipated or changed circumstances, provided that the program will be completed within the time established under paragraph 6 of this section.

B. **Right to appeal.** Each ISS and ISS amendment must include in plain language notice of the participant’s right to appeal as described in Section 7 and notice of how to file an appeal or request a hearing if he or she is dissatisfied with the ISS.

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

11. **Satisfactory Progress.** ~~To remain eligible for CSSP education, training and support services, participants must demonstrate make satisfactory progress in their education or training program. A participant is making satisfactory progress if they maintain satisfactory academic or training progress as determined by remain in good standing at the education or training institution where they attend, and remain able to complete their program within the time specified in this sSection 6.6 and document satisfactory progress to the CSSP case manager. A participant will be placed on CSSP probation if their grade point average falls below 2.0 or If a participant is placed on “academic probation” by the educational institution, hHe or she will may have one term in which to regain satisfactory progress good standing before being terminated from CSSP financial assistance for education, training or support services. Participants who fail to maintain or regain satisfactory progress in their education or training program will remain eligible for CSSP job search assistance in support of employment.~~

SECTION 7: APPEALS

1. **Appeal to CSSP Program Manager.** An applicant or participant who is dissatisfied with a CareerCenter’s decision related to the eligibility for or the provision of CSSP services has the right to file a written appeal with the CSSP Program Manager within 30 days of the decision. If no appeal is filed within 30 days, the CareerCenter decision shall become final. If the customer files a written appeal within ten (10) days of a decision to terminate the participant from the program or terminate or reduce assistance provided for in a currently effective ISS, then the decision will not be implemented pending the outcome of the administrative appeal process. Any writing may be used to file an appeal. The CSSP Program Manager will issue a written decision within fifteen (15) days of the filing of the appeal. The decision may reflect an agreed resolution to the appeal or, if no agreed resolution was reached, it will reflect the CSSP Program Manager’s decision.

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

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

SECTION 8. GENDER EQUITY.

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

SECTION 9. LIMIT ON ADMINISTRATION AND CAREER COUNSELING.

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