

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families



FROM: Sean Brown, Deputy Commissioner
Economic Services Division

BULLETIN NO.: 15-08F

DATE: June 12, 2015

SUBJECT: Reach Up/Reach First/Reach Ahead/Postsecondary Education Rules

CHANGES ADOPTED EFFECTIVE July 1, 2015

INSTRUCTIONS

☒ Maintain Manual - See instructions below.
☐ Proposed Regulation - Retain bulletin
and attachments until you receive
Manual Maintenance Bulletin: _____
☐ Information or Instructions - Retain
until _____

MANUAL REFERENCE(S):

2143	2231.2	2343.6	2500	2503
2150	2241	2374.1	2501	2504.1
2230.3	2263.7	2374.2	2502.1	
2231	2275.3	2374.4	2502.3	
2231.1	2337	2460	2502.4	

This rule proposes changes to the Reach Up and Reach Ahead programs required by Act 198 (2014), *An act relating to Reach Up, Reach Ahead, and the Enhanced Child Care Services Subsidy Program*. Act 198 increases the Reach Up earned income disregard from \$200 to \$250 and extends the Reach Ahead program from 12 to 24 months, with a \$50.00 food benefit for the first year and a \$5.00 benefit for the second year. This legislation also extends the support services, including a 100 percent child care services subsidy, available to Reach Ahead participants from 12 to 24 months.

Additionally, this rule clarifies provisions in the Reach Up, Reach First, and Postsecondary Education programs' rules related to time limits, temporary absences, shared custody situations, multi-generational households, the conciliation process, and excused absences and holidays.

Specific Changes to Rule Sections

- 2143** Language was added allowing participants to waive advance notice of the conciliation conference; the number of conciliations allowed was amended to align with the Reach Up rules (one per calendar year).
- 2150** The requirement that families must be meeting the Reach Up requirement in order to qualify for support services after leaving Reach Up was changed to require that an adult member of the family must be employed.
- 2230.3** Language was added clarifying that the temporary absence must not be expected to exceed 180 days.
- 2231** Obsolete reference to the “Civil Unions Act” was deleted; language was added to the definition of eligible parent to include “legally recognized” children and exclude parents whose rights have been terminated; language was added to address eligibility in shared custody situations and multi-generational households.
- 2241** Language was added to address eligibility for minor parents living with a caretaker.
- 2263** Language was added incorporating the housing allowance provisions from the Interpretive Memo dated August 11, 2014.
- 2275.3** The earned income disregard was increased from \$200 to \$250.
- 2337** Language was added stating that out-of-school youth may also be referred to as “mandatory” youth and clarifying that sanctions for non-compliant out-of-school youth still apply to youth in families that have received 60 or more months of assistance.
- 2343.6** Language was added incorporating the excused absence and holiday provisions from Vermont’s Work Verification Plan.
- 2374.1** Language was added allowing participants to waive advance notice of the conciliation conference; language was added to clarify that a conciliation counts in the year in which it was initiated; obsolete references to the 60-month conciliation period were deleted.
- 2374.2** Obsolete references to the 60-month conciliation period were deleted.
- 2374.4** Obsolete references to the 60-month conciliation period were deleted.
- 2460** Obsolete reference to “Family Separation” was replaced with “Temporary Absence from the Home.”
- 2500** Changed the time limit for Reach Ahead from 12 to 24 months.
- 2501** Replaced incorrect reference to rule 2341 with rule 2301.

- 2502.1** Clarified initial eligibility provisions to more closely align with Reach Ahead statute.
- 2502.3** Added language stating that this subsection does not apply to individuals who are transferred to Reach Up or Reach First pursuant to rule 2502.4
- 2502.4** Added language clarifying that an individual who loses eligibility for Reach Ahead and is financially eligible for Reach Up shall be transferred to Reach Up or Reach First without completing an additional application.
- 2503** Changed the time limit for participation in Reach Ahead from 12 to 24 months.
- 2504.1** Changed the Reach Ahead food assistance benefit to \$50.00 for the first year of participation and \$5.00 for the second year.
- 2505** Changed time limit for receipt of Reach Ahead support services to 24 months; added language stating that support services include a 100% child care services subsidy.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule was filed with the Interagency Committee on Administrative Rules (ICAR) on February 23, 2015 and presented at its meeting on March 9, 2015.
2. The proposed rule was filed with the Secretary of State's Office on March 13, 2015.
3. The Secretary of State published notice of rulemaking on its website on March 18, 2015.
4. The Department posted the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notify advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. A public hearing was held on April 17, 2015 at 1:00 p.m. in the AHS Training Room, 208 Hurricane Lane, Suite 103, Williston, VT 05495. There were no public attendees.
2. The comment period on the proposed rules closed on Friday, April 24, 2015. The Department received no written comments.
3. Copies of the final proposed rule were filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR) on Tuesday, May 5, 2015.
4. The Department presented the final proposed rule to LCAR on May 28 and June 11, 2015.
5. The Department expects to file the final rule by Tuesday, June 16, 2015.
6. The anticipated effective date of the rule is July 1, 2015. This date is subject to change.

The Department will post the rule on the Agency of Human Services website at <http://humanservices.vermont.gov/on-line-rules> and notify advocates and members of the public about the rule

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/> or call Louise Corliss at 828-2863

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

Manual Maintenance

<u>Remove</u>		<u>Reach First Rules</u>	<u>Insert</u>
2143	(08-02)		2143 (15-08)
2150	(08-02)		2150 (15-08)

Reach Up Rules

2230.3	(12-18)		2230.3 (15-08)
2231	(08-10)		2231 (15-08)
2231.1	(01-06)		2231.1 (15-08)
2231.2	(08-10)		2231.2 (15-08)
2241	(11-04)		2241 (15-08)
2263.7	(01-10)		2263.7 (15-08)
2275.3	(08-02)		2275.3 (15-08)

Reach Up Services Rules

2337	(00-22)		2337 (15-08)
2343.6	(00-22)		2343.6 (15-08)
2374.1	(13-42)		2374.1 (15-08)
2374.2	(00-22)		2374.2 (15-08)
2374.4	(00-22)		2374.4 (15-08)

Postsecondary Education Rules

2460	(08-02)		2460 (15-08)
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Reach Ahead Rules

2500	(08-10)		2500 (15-08)
2501	(08-10)		2501 (15-08)
2502.1	(13-42)		2502.1 (15-08)
2502.3	(08-10)		2502.3 (15-08)
Nothing			2502.4 (15-08)
2503	(08-10)		2503 (15-08)
2504.1	(08-10)		2504.1 (15-08)
2505	(08-10)		2505 (15-08)

Conciliation

2143 Conciliation (7/1/2015, 15-08)

- A. Conciliation is the process by which disputes related to an individual's failure or refusal to comply with Reach First participant responsibilities are resolved.
- B. The case manager shall initiate conciliation to determine the reason for non-compliance when an adult participant fails or refuses without good cause to comply with Reach First participant requirements applicable to the individual without good cause.
- C. The case manager shall initiate conciliation under the following circumstances:
 - 1. The case manager shall initiate conciliation for a participating adult who without good cause fails or refuses to participate in the development of his or her family development plan as directed.
 - 2. The case manager shall initiate conciliation for a participating adult who fails or refuses to report as directed by the department for assessment and evaluation activities without good cause.
 - 3. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.
 - 4. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with such family development plan requirements.
- D. Conciliation Process for Noncompliance
 - 1. When the conditions for conciliation for noncompliance (rule 2374) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed. A client may waive advance notice of the conciliation conference by signing a waiver of notice. The waiver must include the information listed in subsection (2) below.
 - 2. The notice of the conciliation conference must include the following:
 - a. the reason for the determination of noncompliance without good cause;
 - b. the steps in the conciliation resolution;
 - c. the right to have a representative present at the conciliation conference; and
 - d. the consequences if conciliation is unsuccessful.
 - 3. Participants may conciliate cumulative Reach Up and Reach First disputes only once within a calendar year (January – December). A conciliation counts in the year in which it was initiated. Any subsequent noncompliance without good cause within this time period will result in the immediate initiation of the sanctions process, if applicable, without an opportunity for conciliation.
 - 4. Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the

Conciliation

date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case managers help to obtain it, the case manager shall provide that help, if possible.

5. When it is determined, at any time during a conciliation process that the individual had good cause for noncompliance, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliations in a calendar year, as defined above.
6. The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.
7. The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact-finding and problem-solving, ways in which the individual may satisfy the Reach First requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause criteria.
8. The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.
9. The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process and transfer to Reach Up, if applicable. Individuals who have received over 60 cumulative, countable months of Reach Up shall not be transferred to Reach Up. These individuals shall be terminated from Reach First and may apply for Reach Up pursuant to rule 2238.2(D).

E. Successful Resolution

Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP.

F. Unsuccessful Resolution

The conciliation process shall be determined unsuccessful when the individual:

1. fails without good cause to respond to one written notice of a scheduled conciliation conference;
2. exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;
3. fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or
4. voluntarily terminates the conciliation process before a successful resolution has been reached.

When the case manager determines that the resolution of a single conciliation within a calendar year has been unsuccessful, the case manager's supervisor shall review the conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.

When conciliation is not an option or resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions and transfer the family to Reach Up, or terminate the Reach First grant for individuals who have received over 60 cumulative, countable months of Reach Up. Both the sanction and termination process begins with a written notice to the individual at least 10 days before the action takes effect. This notice explains the action being taken, the

Conciliation

reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanction or termination takes effect, the individual shall receive continuing benefits pursuant to rule 2215.

Referral and Transition to Other Programs

2150 Referral and Transition to Other Programs (7/1/2015, 15-08)

- A. The department shall transfer the family to another appropriate program if, after four months of receiving support in Reach First or sooner at the department's discretion, a family needs additional time and services, unless the family chooses not to participate.
- B. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation.
- C. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, but qualifies for Reach Ahead in accordance with Reach Ahead rules the department shall transfer the family to Reach Ahead, unless the family chooses not to participate. If an adult member of the family is employed when it leaves Reach First and is not eligible for Reach Up or Reach Ahead, the family shall qualify for support services as though it was a Reach Up leaver family, unless the family chooses not to participate. (rule 2311)
- D. A family transferring to another program under subsections (A) through (C) of this section shall not be required to complete a new application. Verification of income or other documentation related to changes in circumstances may be required as provided for by rule.
- E. Transitional medical assistance of up to 36 months shall be provided to families with a working adult who leaves Reach First and is not eligible for Reach Up, unless family income exceeds 185 percent of the federal poverty level, provided that federal financial participation is available for such transitional medical assistance.

Eligible Child

2230 Eligible Child (7/1/2015, 15-08)

An eligible child is defined as an individual who meets all Reach Up criteria of need, age, and residence. An individual qualifies under the age criterion as a child if he or she is under 18. In addition, an 18-year-old child is eligible if he or she is a full time student in a secondary school or an equivalent level of vocational or technical training and is expected to complete high school or the equivalent program before reaching his or her nineteenth birthday. Children who are eligible for Reach Up on the day before their eighteenth or nineteenth birthday remain eligible for Reach Up for the full calendar month during which their eighteenth or nineteenth birthday occurs.

An eligible child must also be living with a parent or a qualified caretaker. A parent or qualified caretaker may apply and be found eligible to participate in Reach Up on behalf of a child who is not yet in the home or is temporarily absent from the home. Eligibility for Reach Up assistance may continue, in certain circumstances, during the temporary absence of either the child or parent/caretaker from the home.

Physical aspects of the home and care of the child that appear to be below minimum standards of health and decency shall not limit eligibility as long as the child lives with the relative or qualified caretaker. Improvement of detrimental conditions shall be attempted through casework and related services; if hazardous conditions continue, protective action shall be initiated under applicable laws and regulations.

The parent or caretaker responsible for care and supervision of the child shall be a person of sufficient maturity to assume this responsibility adequately. Parents and children living together must be included in the same assistance group. Another relative or caretaker living in the same household with the parents and children, who has assumed responsibility for the care and supervision of the children, can only be added to the assistance group if the parents are incapable of providing care and supervision for some reason, such as mental incapacity.

2230.1 Qualified Caretaker (7/1/2015, 15-08)

A qualified caretaker is a relative or unrelated adult acting in loco parentis (taking the role of a parent). A caretaker may be defined as a qualified caretaker if he or she meets the following conditions:

- A. Is a person who is fulfilling a parental role which is in the best interest of the child(ren) and is providing physical care, guidance, and decision-making related to the child(ren)'s health, school, medical care and discipline.

If a parent of the child(ren) can be reached (for example, the parent is incarcerated), the decision to name a designated caretaker will be made after consultation with that parent.

Best interest of the child will be presumed when the child's life is able to continue as normally as possible in the absence of one or both parents, where there is no substantiated evidence of child abuse or neglect or other evidence of violence or criminal behavior by the caretaker, and where there is a pre-existing relationship with the child and the parent.

- B. Is fulfilling this role because the parent(s) is not in the home due to death, incarceration, extreme illness such that the parent is unable to provide guidance, or or abandonment where there is no available relative able to care for the child, or where placement of the children with a relative would be considered unsuitable. The caretaker may be considered a more appropriate choice than an available relative due to the child's existing relationship to the caretaker and/or the caretaker's ability to provide quality care and guidance to the child.

Eligible Child

2230.2 Home (7/1/2015, 15-08)

A home is defined as the family setting maintained, or in process of being established, in which the parent or caretaker assumes responsibility for care and supervision of the child(ren). However, lack of a physical home (i.e. customary family setting), as in the case of a homeless family is not by itself a basis for disqualification (denial or termination) from eligibility for assistance.

The child(ren) and parent or caretaker normally share the same household. A home shall be considered to exist, in certain circumstances, during the temporary absence of either the child or parent/caretaker from the customary family setting.

2230.3 Temporary Absence from the Home (7/1/2015, 15-08)

In all cases where a child or parent/caretaker is or will be absent from the home for a period of 30 days or more, the parent or caretaker must notify the department, advising of the reason for the absence, the designation of the alternate payee (if applicable), and the parent/caretaker's intent to maintain a home for the child during the absence. All temporary absences of a parent or caretaker exceeding 30 days shall be subject to verification and approval by the department. Temporary absences of a child or parent/caretaker must not be expected to exceed 180 consecutive days. The Reach Up program Director or his or her designee shall have the sole discretion to determine whether a temporary absence is expected to exceed 180 consecutive days.

A. Temporary Absence of a Parent or Caretaker

1. A parent or caretaker who is temporarily absent from the home to receive inpatient or outpatient care from a hospital, substance abuse treatment facility, or other medical institution for a period greater than 30 days, but not expected to exceed 180 consecutive days, may continue to receive Reach Up assistance if the following criteria are met:
 - i. The parent or caretaker continues to maintain a home and be responsible for the child;
 - ii. The parent or caretaker has arranged for a responsible adult to care for the child and to be designated as the alternate payee of the Reach Up grant during the absence;
 - iii. The parent or caretaker plans to return to the home at the end of the absence; and
 - iv. The household continues to meet all other eligibility requirements for Reach Up.
2. A parent or caretaker who is temporarily absent from the home for reasons other than to receive medical care as specified under (A)(1) (e.g. to handle a family emergency, seek employment, or out-of-home visits) may continue to receive assistance for a period not to exceed 30 days.

3. For absences beyond 30 days, the department shall provide housing expenses by vendor payment if a housing allowance is included in the grant. Housing expenses include rent, mortgage, property taxes, insurance, allowable maintenance and repair, and room and board. If there is any balance remaining after the housing expenses are deducted, the remaining amount shall be paid to the designated alternate payee in two payments. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.
4. Needs shall be budgeted pursuant to rule 2264.
5. Reach Up assistance will terminate when the parent or caretaker has been absent from the home for more than 180 consecutive days.

2230.3 Temporary Absence from the Home (7/1/2015, 15-08)

B. Temporary Absences of a Child

1. Temporary absences of a child from the home, not expected to exceed 180 consecutive days, are limited to the following, unless the department determines that the child's circumstances are substantially similar to those described below:
 - i. The child is receiving care in a hospital, substance abuse treatment facility, or other medical institution;
 - ii. The child is placed in the custody of the Department for Children and Families pursuant to a court order and reunification with the parent or caretaker is the permanency planning goal; or
 - iii. The child is incarcerated.
2. Temporary absences of a child from the home exceeding 180 consecutive days are limited to a child attending school pursuant to rule 2261.3.
3. The parent or caretaker of a child who is temporarily absent from the home for any of the above reasons shall continue to receive Reach Up assistance as long as the following criteria are met:
 - i. The parent or caretaker with whom the child is living continues to maintain a home for the child;
 - ii. The parent or caretaker plans for the child to return to the home at the end of the absence; and
 - iii. The household continues to meet all other eligibility requirements for Reach Up.
4. Reach Up assistance on behalf of a child who is temporarily absent from the home for reasons other than those specified under (B)(1) and (2) (e.g. out-of-home visits) may continue for a period not to exceed 30 days.

Eligible Child

5. Needs shall be budgeted as though the child were living in the home of the parent or caretaker.
6. Reach Up assistance on behalf of the child will terminate when the child has been absent from the home for more than 180 consecutive days. Reach Up assistance on behalf of a child who is away from home attending school pursuant to rule 2261.3 may continue beyond a 180-consecutive-days absence through the solely state-funded program.

C. Separation of Child and Parent or Caretaker at Time of Application

Benefits may be approved for an applicant if the child and parent or caretaker will be living together in the home within 30 days after disbursement of the first Reach Up payment. The department may exercise its discretion to extend this time period up to 180 days in order that unique situations may be addressed on an individual basis, but has no obligation to do so.

Eligible Parent

2231 Eligible Parent (7/1/2015, 15-08)

An eligible parent is defined as an individual who:

- A. Lives in the same household with one or more eligible biological, legally recognized, step, or adopted children; and
- B. Is not in receipt of benefits under the SSI/AABD program; and
- C. Has met all other eligibility requirements set forth by these regulations (for example, cooperation with Reach Up services component requirements or obtaining a social security number).

The parent of a disabled child receiving SSI/AABD is also an eligible parent. Both parents, if living in the same household with eligible children, must be included in the Reach Up assistance group, unless subject to the five-year bar for qualified aliens, as specified in rule 2240.

In the case of a pregnant woman having no children in her household, the pregnant woman's expected delivery date must fall within the next 30 days or, if she meets at least one of the conditions specified in 2240 C2, within the three month period following the month of application, and it has been determined that the child, if born, would be eligible for Reach Up. In addition, a Reach Up grant to an assistance group that includes a pregnant woman cannot be increased solely on the basis of her pregnancy.

When a pregnant woman with no children is living with her spouse or the biological father of her expected child, the department shall not include the needs of the spouse or biological father in the assistance group. The income and resources of the spouse, however, shall be considered in determining the pregnant woman's eligibility for Reach Up.

A parent whose parental rights have been terminated does not qualify as an eligible parent.

2231.1 Shared Custody (7/1/2015, 15-08)

When two parents share custody of a child, and **both** parents have applied for Reach Up and have claimed the same child as a member of their household, the eligible parent shall be determined according to the following table. In most cases, the eligible parent will be determined according to the Parental Rights and Responsibilities (PR&R) Agreement, regardless of where the parents claim the child is actually living.

Custody Situation	Eligible Parent
One parent has sole legal and physical responsibility pursuant to a Parental Rights and Responsibilities (PR&R) Agreement	The parent with sole legal and physical responsibility is the eligible parent.
One parent has physical responsibility for the child more than half of the time pursuant to a PR&R agreement.	The parent with physical responsibility for more than half of the time is the eligible parent.
The parents share physical responsibility for the child equally pursuant to a PR&R agreement.	The parent who applies first is the eligible parent.
The parents share physical responsibility for the child equally in the absence of a PR&R agreement.	The parent who applies first is the eligible parent.

Eligible Parent

When a parent, who does not have physical responsibility for a child more than half of the time, is the only parent to apply for Reach Up financial assistance, that parent will remain the eligible parent until the other parent applies for assistance and claims the child as a member of the household.

When there is a dispute between the parents as to the division of physical responsibility, in the absence of a PR&R agreement, the first parent to apply for assistance will remain the eligible parent until the other parent provides sufficient evidence to verify that the child primarily lives in the second household. This evidence includes, but is not limited to:

- A. Current day care records;
- B. Current school records;
- C. Current medical records; or
- D. Collateral statements from neighbors.

When adequate verification has been submitted by the other parent that is sufficient to prove that the child primarily lives in the second household, the first household shall be given 10 days to provide verification proving that the child primarily resides in the first household. If the first household does not provide verification proving that the child primarily resides in the household, the parent in the second household shall be the eligible parent.

2231.2 Multi-generational Households (7/1/2015, 15-08)

Minor parents living in the same household as their parents shall be permitted to have their eligibility determined separately from their parents, regardless of whether the parents are eligible for Reach Up financial assistance. One of the parents shall be designated as the alternate payee, unless the minor parent chooses to be the payee of the grant. However, minor parents may choose to be included in their parents' assistance group. Minor parents who choose to be included in their parents' assistance group shall be subject the requirements in rule 2336. Minor parents receiving their own grant do not meet the definition of "eligible child" under rule 2230 because they are not considered in need as defined by rule 2250, and therefore, the minor parent's parents do not qualify as eligible parents in relation to the minor parent.

Caretaker

2241 Caretaker (7/1/2015, 15-08)

A caretaker is defined as an individual other than a natural, step, or adoptive parent whose relationship to one or more eligible children qualifies the caretaker for inclusion in the Reach Up assistance group. If a parent living in the home is incapable of exercising parental obligations, both the parent and a caretaker living with the children and responsible for the children's care and supervision may be included in the assistance group. There can be only one person designated as the caretaker for the assistance group at any given time.

The needs of caretakers eligible for either SSI/AABD or Reach Up shall be met only through such financial assistance in their own right.

The department shall take the following steps to determine eligibility for one or more children living with a caretaker other than a parent and for the caretaker.

A. Eligibility of the Child's Assistance Group Without the Caretaker

First, the department shall determine the eligibility of the children's assistance group without the caretaker. The assistance group is formed according to rule 2240 and must meet all requirements for Reach Up eligibility. A housing allowance may be included in the assistance group's needs, up to the housing allowance maximum, if the caretaker charges for housing.

If the children's assistance group is not eligible for Reach Up, the caretaker is not eligible either.

B. Eligibility of the Caretaker

If the children's assistance group is eligible, the department shall find out whether the caretaker responsible for the child seeks Reach Up financial assistance. If so, the department shall determine whether the caretaker is needy. A caretaker is needy if the caretaker meets the financial eligibility criteria for Reach Up eligibility.

To determine whether the caretaker meets these criteria, the department considers the income and resources of the caretaker and the following persons, if any, living with the caretaker and one or more eligible children: the caretaker's spouse, minor children, and other tax dependents. The caretaker's group does not include the children eligible for Reach Up.

For the caretaker to be considered needy, the combined countable resources of the caretaker's group, as defined above, must not exceed the Reach Up resources maximum. Countable resources are determined according to Reach Up rules.

The combined countable income of the caretaker's group is determined according to the rules for initial Reach Up eligibility, as if the caretaker's group were the assistance group. Payments made by a member of the group to a person outside the home who is or could be claimed as a tax dependent may be deducted from that member's earned income.

For the caretaker to be considered needy, the combined countable income of the caretaker's group must not exceed the ratably reduced needs of the caretaker's group, determined according to Reach Up rules. The housing allowance included in this determination, combined with the housing allowance included in the eligibility determination for the children's assistance group with the caretaker, must not exceed the caretaker's total housing costs.

If the income and resources of the caretaker's group meet the financial criteria described in this subsection, the caretaker is needy. If they do not, the caretaker is not needy and is not included in the children's assistance group.

Caretaker

C. Inclusion of the Needy Caretaker in the Children's Assistance Group

Once the department has determined the caretaker needy, the caretakers needs may be included in the children's assistance group, along with the caretakers income. When the caretaker is included in the child's assistance group, only the caretakers shelter expenses, up to the maximum housing allowance, are included in the groups needs.

If the caretakers income exceeds the difference between the ratably reduced needs for the children's assistance group without the caretaker and the ratably reduced needs for the same group with the caretaker, the caretaker should not be included in the assistance group. This insures that the caretaker's income is not used to support a child for whom the caretaker has no support obligation.

Resources of a caretaker who does not have the legal responsibility of a parent to support the child are not considered available to the child. The caretaker's income is also not considered as available to the child unless the caretaker has indicated a commitment to make ongoing monetary contributions toward the support of the child. In such cases only the income actually contributed to the child, considered unearned income to the child, would be counted.

D. Minor Parent Living with a Caretaker

A needy caretaker for a minor parent shall not be included in the minor parent's assistance group unless the minor parent chooses to be included in the assistance group with the needy caretaker. Regardless of whether the caretaker is included in the minor parent's assistance group, the caretaker shall be designated as the alternate payee, unless the minor parent chooses to be the payee of the grant. Minor parents who choose to be included in an assistance group with a needy caretaker shall be subject the requirements in rule 2336.

Housing Allowance

2263 Housing Allowance (7/1/2015, 15-08)

Housing expense is defined as the total of all verified costs incurred for any of the following: rental (house, apartment, lot), real estate (or equivalent personal property) taxes, maintenance and repairs, mortgage payments, and condo and association fees. (To include allowances for maintenance and repairs within the housing expense the property must be owned and listed in the name of the applicant/recipient.) Housing allowances shall be budgeted "as incurred" to cover recurring shelter expenses necessary to maintain a home, not to exceed the current maximums stated below. The housing allowance portion of a Reach Up financial assistance grant is limited to expenses incurred for the current month; overdue expenses for prior months cannot be included in the grant for the current month. Expenses incurred less frequently than monthly (i.e., real estate taxes) shall be prorated into monthly amounts for the period covered. (See rule 2263, on the special needs housing allowance.)

Maximum Monthly Housing Allowance

Outside Chittenden County	Chittenden County
\$400	\$450

The expense for shelter when shared may be included based upon the client's cost not to exceed the maximums.

When housing is provided in full (i.e., at no cost) and is considered unearned income-in-kind, no housing allowance and no unearned income are budgeted. When housing is provided in part (i.e., at reduced cost) and is considered unearned income-in-kind, only the assistance group's incurred cash obligation for housing is budgeted as the housing allowance (not to exceed the applicable housing maximum) and no unearned income is budgeted.

In the case of housing received as in-kind earned income, the housing allowance budgeted should be the maximum monthly housing allowance for which the assistance group is eligible or the sum of the assistance group's incurred monthly cash obligation, if any, for allowable housing costs and the amount of in-kind earned income received in the form of housing, whichever is less. The monetary value to be budgeted as in-kind earned income shall be that portion of the housing allowance attributable to earned income-in-kind, ratably reduced (i.e., the housing allowance amount is not ratably reduced; the earned income-in-kind is ratably reduced). This ensures that earnings received in the form of housing do not reduce the amount of assistance provided to meet the assistance group's other basic needs.

A standard amount which, in most cases, represents a portion of the fuel and/or utility subsidy used by Housing and Urban Development (HUD) in the calculation of rent for Reach Up families in subsidized housing will be considered unearned income for Reach Up purposes, according to rule 2271. The standard amount for those families who must pay for fuel or fuel and utilities is \$70. The standard amount for those families who must pay for utilities only is \$30. An applicant or recipient who documents an actual subsidy amount less than the standard may have the actual amount counted as unearned income in benefit and eligibility calculations.

In no case shall the provision of fuel and/or utilities as part of an assistance group's housing be considered either unearned or earned income-in-kind. Nor in these instances shall these items be shown in the budget as furnished. This policy applies irrespective of whether or not the assistance group incurs a cost for housing.

Housing Allowance

Nonpayment of all or a portion of shelter expense will be evaluated against the criteria for need of protective payments and subject to the limitations outlined in rule 2226.

2263.1 Subsidized Housing (7/1/2015, 15-08)

Recipients who live in or are moving into subsidized housing shall have their shelter expenses budgeted in the Reach Up grant as stipulated below.

The most common types of subsidized housing are:

- Section 8
- Section 23
- F. H. A (Farmer's Home Administration) rental assistance units.
- Section 236
- Housing owned and operated by the local public housing authority.

2263.2 Budgeting Subsidized Housing (7/1/2015, 15-08)

The Reach Up budget is computed as one would normally for a Reach Up family, except that the amount used for shelter will always be the maximum housing allowance permitted for a rental located in the county in which the family resides.

- A. If housing construction is financed under F. H. A. but the recipient is not in a Rental Assistance unit, budget according to normal Reach Up procedures. Only 515 Rental Assistance units are budgeted as subsidized housing.
- B. Section 236 housing should be budgeted according to normal Reach Up procedures unless a client lives in a Section 8 unit. Then budget as subsidized housing.
- C. It is possible for a recipient to be in unsubsidized or private housing and have a Section 8 certificate, in which case budget as in subsidized housing.

For examples see Procedures P-2210 E.

2263.3 Shared Households (7/1/2015, 15-08)

Total monthly requirements of each assistance group which shares a household or housing unit with one or more separate assistance groups and/or non-recipient members shall be computed in accordance with the following rules.

Please note that the limits described below do not apply to assistance groups eligible for the room and board standard because the housing cost portion (i.e. room rent) of this standard cannot be identified separately.

- A. When the household is composed of two or more assistance groups, with no non-recipient members:
 - 1. Budget each group for full basic considering eligible members of the assistance group;

Housing Allowance

2. Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum and the sum of the shares not to exceed the total cost of housing (example: two assistance groups share a rental with total rent paid to the landlord of \$250.00. Each recipient group may share in this cost, but no share may exceed housing allowance maximum and the sum of the two shares may not exceed \$250.00).

Exception: If an assistance group member(s) is the only person(s) on the lease or mortgage, but a different Reach Up group living in the household regularly pays a share of the rent or mortgage payment, the housing allowance for each assistance group shall not exceed the amount for which it is in practice responsible.

3. Any monetary contribution from another assistance group in the household to the assistance group responsible for the household expenses shall be treated as:
 - a. Earned income: payment(s) for a service received, i.e., room and board (rule 2263.4);
 - b. Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);
 - c. Excluded income:
 - i. a payment(s) to the Reach Up group responsible for household expenses by another assistance group member(s) for his or her share of common household expenses;
 - ii. a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).

NOTE: If one Reach Up group is renting part of their housing unit to another Reach Up group and the first group is paying rent to a landlord for the entire unit, or is paying a mortgage as the home owner, the total shelter allowed for both budgets cannot exceed the total shelter paid for the housing unit, or the actual home owner costs (i.e., mortgage and taxes), regardless of the fact that the second Reach Up group considers the first Reach Up group as their landlord. Also, as in the above situations, each group's shelter cannot exceed the maximum allowed.

- d. When an assistance group member is the head of a household including one or more non-recipient members:
 - i. Budget assistance group(s) for full basic considering eligible members of the assistance group;
 - ii. Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum and the sum of all shares, including any non-recipient's share, not to exceed the total cost of housing;

Exception: If an assistance group member(s) is the only person(s) on the lease or mortgage, but a different Reach Up group living in the household regularly pays a share of the rent or mortgage payment, the housing allowance for each assistance group shall not exceed the amount for which it is in practice responsible.

Housing Allowance

iii. Any monetary contribution from a non-recipient household member(s) or from another assistance group in the household to the assistance group responsible for the household expenses shall be treated as:

- (A) Earned income: payments for a service received, i.e., room and board (rule 2263.4);
- (B) Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);
- (C) Excluded income:
 - (1) a payment to the Reach Up group responsible for household expenses by a non-group member for his or her share of common household expenses;
 - (2) a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).

e. When one or more assistance groups share a household headed by a non-recipient:

- i. Budget assistance group(s) for full basic considering eligible members of the assistance group;
- ii. Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum, and the sum of all shares, including any non-recipient's share, not to exceed the total cost of housing.

Exception: If an assistance group member(s) is the only person(s) on the lease or mortgage, but a different Reach Up group living in the household regularly pays a share of the rent or mortgage payment, the housing allowance for each assistance group shall not exceed the amount for which it is in practice responsible.

- iii. Any monetary contribution from one or more assistance groups or non-recipient household member(s) to another assistance group in the household, treat as:
 - (A) Earned income: payments for a service received, i.e., room and board (rule 2263.4);
 - (B) Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);
 - (C) Excluded income:
 - (1) a payment to the Reach Up group responsible for household expenses by a non-group member for his or her share of common household expenses;
 - (2) a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).

Housing Allowance

2263.4 Room and Board Standards (7/1/2015, 15-08)

Room and board as a living arrangement for Reach Up participants shall be budgeted in the amounts established by the table below. Additional amounts are allowed for other basic needs, which include clothing, personal needs and incidentals, chore, and special needs.

Room and Board Allowances

Number in Assistance Group	1	2	3	4	5	6	7	8	9 or more
Room and Board	\$379	\$547	\$725	\$853	\$1008	\$1098	\$1265	\$1403	Add \$138 for each additional person
Other Basic Needs	\$96	\$133	\$166	\$211	\$239	\$274	\$324	\$366	Add \$32 for each additional person

The total budgeted requirement (room and board standard plus other basic needs standard) is subject to the ratable reduction.

Payments for Reach Up children who qualify for Reach Up foster care shall be provided by the Family Services Division through Title IV-E of the Social Security Act, as amended.

2263.5 Institution (7/1/2015, 15-08)

Individuals residing in institutions have the majority of their basic needs (other than clothing and other individual needs) met through one of the following methods:

- A. Boarding allowance budgeted (see Board and Room).
- B. Vendor payment by the department, under Medicaid, to a licensed nursing home or to a mental hospital on behalf of a recipient of Reach Up who qualifies for such payment.
- C. Vendor payment by the department, under Reach Up-UF, to a licensed child-care institution on behalf of a child who qualifies for Reach Up-FC.

The vendor payment for care in a nursing home or mental hospital is a form of medical assistance; the cost of such care shall not, therefore, be considered in establishing need for assistance. Allowances for basic personal needs in the institution, when appropriate, shall be budgeted to establish need for Reach Up assistance.

Need of a child, who qualifies for Reach Up foster care and who is placed in a child-care institution shall be budgeted in accord with payment policies currently in effect for care of children in department custody.

Housing Allowance

2263.6 Foster Home (7/1/2015, 15-08)

Eligible children placed in foster homes at State expense have their basic requirements met through vendor payment covering allowances for board, clothing, incidentals, personal spending and special needs made to one of the following:

- A. A licensed foster home (family home, family group home, professional group home); or
- B. A relative, other than a parent, whose home fully meets applicable licensing standards, but does not require a formal license because placement is limited to "related" child(ren).

Payments are made by the Family Services Division (FSD) under Title IV-E. FSD notifies ESD since Title IV-E recipients are automatically eligible for Medicaid. (See Interpretive Memo opposite rule 4300 and P-2412 for procedures).

Since by State statute, parents are legally responsible for support of their minor children, no vendor payment shall be allowed on behalf of a committed child placed in the home of his/her parent(s). A financially needy parent may apply for and, if eligible, receive Reach Up assistance on behalf of such child(ren).

2263.7 General Assistance and Emergency Assistance Temporary Housing (7/1/2015, 15-08)

The housing allowance for recipients of General Assistance or Emergency Assistance (GA/EA) temporary housing assistance is the maximum housing allowance permitted for a rental located in the county in which the family resides, in addition to the special needs housing allowance (if applicable). The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance (if applicable), regardless of whether the participant is required under the GA/EA program to contribute a percentage of their income toward the cost of temporary housing (see General Assistance rules § 2652.2 and 2652.3; Emergency Assistance rules § 2852.2).

Earned Income Deductions

2275 Earned Income Deductions (7/1/2015, 15-08)

The department shall allow certain deductions from an individual's earned income to cover employment expenses (rules 2275.1 – 2275.2) or provide an incentive disregard for employed participants (rule 2275.3). For income not reported timely without good cause, however, no disregards are allowed (rule 2275.4).

Total deductions and disregards shall not exceed the amount of earned income to which they are applied.

2275.1 Employment Expenses (7/1/2015, 15-08)

The standard employment expense deduction of \$90 is used in lieu of the amount of actual expenses for taxes, insurance, retirement, union dues, fees, and other reasonable employment expenses. Only one deduction is allowed per individual with earned income.

The deduction shall be applied to:

- subsidized earned income in determining continuing eligibility;
- earned income of an individual ineligible for the earned income disregard, as specified in rule 2275.4; and
- earned income of an individual whose needs are not included but whose income and resources are counted.

The department shall not apply both the standard employment expense deduction and the earned income disregard to the earned income of any individual at the same time.

2275.2 Dependent Care Expenses (7/1/2015, 15-08)

A deduction from the earned income of an assistance group member is allowed to cover the cost of care for an assistance group member who is an incapacitated adult, when all the following conditions are met:

- A. The care is necessary to enable the caretaker to accept or retain employment or self-employment, and the hours of care are reasonably related to the caretaker's hours of employment or self-employment.
- B. A member of the same assistance group or the incapacitated adults spouse does not provide the care.
- C. The incapacitated adults spouse is unavailable or unable to provide the necessary care.
- D. The provider of care is at least 16 years old.
- E. The assistance group member claiming the deduction has provided a statement signed by the provider of care about the hours and cost of care.

Paid expenses converted to a monthly amount shall be deducted up to a maximum of \$175 per month. If a participant's dependent care expenses are below the maximum, transportation to and from the dependent care facility may be deducted as part of the expense.

The cost of employment-related child care needed by assistance groups is provided either:

Earned Income Deductions

- as a support service reimbursement subject to the conditions and limitations described in rule 2271; or
- as an exclusion from gross earned income, if the child is not a member of the assistance group, as described in rule 2276.

2275.3 Earned Income Disregard (7/1/2015, 15-08)

The department shall disregard the first \$250.00 per month of the total unsubsidized earned income of each eligible assistance group member plus 25 percent of the balance remaining. The disregard includes a standard allowance used in lieu of the amount of actual expenses for taxes, insurance, retirement, union dues, fees, and other reasonable employment expenses.

2275.4 Disallowance of Disregard (7/1/2015, 15-08)

No disregard is allowed for any new or increased earned income the participant fails without good cause to report by the end of the calendar month following the month in which the new or increased income was first received. Circumstances considered good cause for failure to report timely are limited to the following:

- A. natural disasters, such as fires or floods;
- B. illness of such severity that the participant is unable to direct personal affairs;
- C. refusal of an employer to provide earned income verification or the unavailability of an employer to provide verification before the deadline;
- D. lost or stolen mail confirmed by the Postal Service;
- E. total monthly gross earnings, less any allowable business expenses (self-employment only), at or below the level of applicable earned income deductions and disregards.

This provision has no effect on an assistance group's responsibility to report all changes in circumstances within 10 days of their being known to the group or on the groups liability in the case of an overpayment.

Out-Of-School Youth

2337 Out-of-School Youth (7/1/2015, 15-08)

Out-of-school youth may also be referred to as “mandatory youth.” A 16- or 17-year-old dependent youth in a participating family who is not a full-time student must participate in the services component of the Reach Up Program. Within 10 calendar days of a case managers determination that the youth must participate, the youth shall meet with the case manager for assessment and development of an FDP. The 10-day time frame may be exceeded only if the case manager cannot meet this time requirement or the youth can demonstrate good cause (rule 2360) for failing to meet it.

After the initial assessment, the youth will be required to participate in job search or an alternative activity included in the FDP, such as education, training, or work experience. Out-of-school youth are not subject to the work requirement (rule 2340) or the restrictions on participation in work activities specified in rules 2350-2350.11. However, participation in the job search component shall be limited, as specified in rule 2350.6.

When an out-of-school youth fails to comply with FDP requirements without good cause, the department shall consider the youth either ineligible for the Reach Up Program or eligible but subject to fiscal sanctions. Youths who are the only eligible members of their Reach Up financial assistance groups must be considered ineligible, and the family's financial assistance grant is terminated.

For situations in which youths are eligible but subject to fiscal sanctions, the department shall remove the needs of the sanctioned youth from the determination of total needs and count the income and resources of the youth in the determination of the family's eligibility and benefit level. The sanctions shall continue until the youth cures the sanctions using the process set forth for adults in rules 2377.

This section applies equally to both youth in families who have received 60 or more countable, cumulative months of assistance and to those in families who have received less than 60 countable, cumulative months of assistance.

Work Requirement Hours

2343.4 Requirement to Accept or Retain a Job (7/1/2015, 15-08)

A participant who has completed the activities leading to the employment goal or who has an FDP requirement to work in an unsubsidized job shall accept any offer of unsubsidized employment. A participant who is employed shall retain any current unsubsidized employment, even if it pays wages less than the financial assistance grant. In cases in which monthly wages are less than the financial assistance grant and the family is otherwise eligible, the wages shall be supplemented with a partial financial assistance grant.

If a participant has completed the activities leading to the employment goal and no unsubsidized job is available, the participant shall accept a subsidized job or participate in a community service placement or job search, or a combination of any work activities that enhance the participant's employability as approved by the case manager. The participant shall engage in the work activities for the number of hours that, in combination with the participant's unsubsidized employment, equal the number of hours of the work requirement.

A participant who without good cause fails to retain or accept an offer of unsubsidized employment in accordance with this section shall be subject to sanction unless an exception applies (rule 2343.5).

2343.5 Exceptions to Requirement to Accept a Job (7/1/2015, 15-08)

A participant who, in the three months immediately before applying for financial assistance, had annualized wages equaling or exceeding 150 percent of the federal poverty level (FPL) for the family size shall not have to accept jobs with annualized earnings of less than 150 percent FPL during a three-month grace period immediately after the family is found eligible for financial assistance, provided that the participant complies with the requirements of this subsection. The annualized wage is determined by multiplying the participant's hourly wage by 2080, the number of hours in a full year of 40-hour workweeks. An individual who meets this wage criterion shall be eligible and remain eligible for this exception during the full three-month grace period, provided that the participant:

- A. has not been disqualified within the prior six months from receiving unemployment compensation benefits for one of these reasons:
 - 1. quitting a job without good cause;
 - 2. failing, without good cause, to apply for suitable work when so directed by the employment office or the commissioner of employment and training; or
 - 3. failing, without good cause to accept suitable work when offered;
- B. is not sanctioned during the grace period;
- C. does not leave an unsubsidized job without good cause during the grace period;
- D. follows through in a satisfactory manner on all referrals to employment **opportunities**;
- E. is engaged in acceptable work activities sufficient to fulfill the work requirement; and
- F. agrees to accept any unsubsidized job if still unemployed after completion of the grace period

Work Requirement Hours

2343.6 Excused Absences and Holidays (7/1/2015, 15-08)

Excused absences and holidays are treated as specified in Vermont's federally-approved Work Verification Plan.

A Reach Up participant is allowed up to 80 hours of excused absences in the preceding 12-month period, no more than 16 hours of which may fall within the federal reporting month.

An absence is considered "excused" if the participant has received permission from his or her case manager or site supervisor or has good cause for not complying with a requirement of his or her FDP.

In addition, hours missed due to the following holidays are considered excused absences, not subject to the 80-hour and 16-hour limits:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Vermont Town Meeting Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

Conciliation

2374 Conciliation (7/1/2015, 15-08)

Conciliation is the process by which disputes related to an individual's failure to comply with services component requirements are resolved. Conciliation may also be requested for dispute resolution by an individual who has a complaint about the working conditions, workers' compensation coverage, or the wage rates used in calculating required hours of participation with respect to work activities included in the FDP.

The case manager shall initiate conciliation when the following conditions are met:

- A. The case manager has determined that the individual's de facto refusal to comply with services component requirements was without apparent good cause (rule 2370).
- B. The individual has not conciliated more than one dispute within the calendar year (rule 2374.1).

The conciliation process is not available to individuals who fail to report to VDOL, as required by rule 2335.1, or to families who have received 60 or more months of countable, cumulative assistance.

2374.1 Conciliation Process (7/1/2015, 15-08)

When the conditions for conciliation for noncompliance (rule 2370) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed. A client may waive advance notice of the conciliation conference by signing a waiver of notice. The waiver must include the information listed below.

The notice of the conciliation conference must include the following:

- the reason for the determination of noncompliance without good cause;
- the steps in the conciliation resolution;
- the right to have a representative present at the conciliation conference; and
- the sanctions to be imposed if conciliation is unsuccessful.

Effective May 1, 2014, participants may conciliate disputes only once within a calendar year (January – December). A conciliation counts in the year in which it was initiated. Any subsequent noncompliance without good cause within this time period will result in the immediate initiation of the sanctions process without an opportunity for conciliation.

Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case managers help to obtain it, the case manager shall provide that help, if possible.

Conciliation

When it is determined, at any time during a conciliation process, that the individual had good cause for noncompliance or qualifies for a deferral from or modification of the work requirement, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliation in a calendar year, as defined above.

2374.2 Conciliation Resolution Period (7/1/2015, 15-08)

The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.

The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact-finding and problem-solving, ways in which the individual may satisfy services component requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause, deferral, and modification criteria.

The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.

The conciliation ends if, during the conciliation resolution period, there is a finding of good cause for noncompliance or a decision is made to defer or modify the requirements related to the individual's noncompliance. In such case, no conciliation resolution plan will be developed, and the conciliation will not count toward the limit of one conciliation in a calendar year.

The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process.

2374.3 Successful Resolution (7/1/2015, 15-08)

Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP. Such compliance must begin within five calendar days of the date of the completion of the conciliation resolution plan and continue for a period of time from two weeks to three months, as specified by the case manager in the conciliation resolution plan.

Individuals who quit an unsubsidized job without good cause must engage in job search for two weeks and fulfill their work requirement in unsubsidized employment for two consecutive months to resolve the conciliation successfully.

2374.4 Unsuccessful Resolution (7/1/2015, 15-08)

The conciliation process shall be determined unsuccessful when the individual:

- fails without good cause to respond to one written notice of a scheduled conciliation conference;
- exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;

Conciliation

- fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or
- voluntarily terminates the conciliation process before a successful resolution has been reached.

When the case manager determines that the resolution of a single conciliation within a calendar year has been unsuccessful, the case manager's supervisor shall review the conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.

When resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions. The sanctions process begins with a written notice to the individual at least 10 days before the sanctions are scheduled to begin. This notice explains the action being taken, the reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanctions begin, the sanctions are not applied while the appeal is pending.

Financial Assistance

2460 Financial Assistance (7/1/2015, 15-08)

- A. A. Participating parents determined to be otherwise eligible for financial assistance under the applicable Reach Up regulations for income and resources shall receive financial assistance equivalent to the Reach Up financial assistance amount for which she or he would be eligible. The amount of PSE financial assistance shall be determined and verified by the Reach Up rules and regulations.
 - 1. The amount of PSE financial assistance is determined in accordance with Reach Up rules and shall fluctuate as the family's circumstances change. The initial amount shall be determined at the time of admission into the PSE program.
 - 2. The initial financial assistance payment shall be effective on the first day of the calendar month in which the participating parent begins attending classes in the degree program, unless the participating parent falls within the exception in rule 2460. A family may not receive PSE financial assistance and a Reach Up financial assistance payment for the same calendar month.
 - 3. If the deadline for the decision on an application was extended pursuant to rule 2429 and there is insufficient time to terminate Reach Up financial assistance prior to the first day of the month in which the participating parent begins attending classes in the undergraduate degree program, Reach Up financial assistance shall continue for that month in lieu of PSE financial assistance. PSE financial assistance shall begin in the month following termination of Reach Up financial assistance.
 - 4. Subject to notice requirements, eligibility for PSE financial assistance ends with the calendar month in which the participating parent begins an interruption in PSE program participation, receives the two-year or four-year degree specified in the PSE plan, or the family becomes ineligible due to changes in family circumstances .
- B. Case managers shall explain to participants who are found eligible for PSE financial assistance that the amount of PSE financial assistance is like a Reach Up grant and it may fluctuate from month to month.
- C. All Reach Up rules generally pertaining to Eligibility and Payment in rules 2200 through 2335 apply to the PSE program and are hereby incorporated into the PSE rules with the following exceptions:
 - 1. Deadline for Application Processing rule 2210.3
 - 2. Assistance Pending Fair Hearing rule 2215
 - 3. Temporary Absence from the Home rule 2230.3
 - 4. Money Payment rule 2216.2

Reach Ahead

2500 Reach Ahead (7/1/2015, 15-08)

The Reach Ahead program assists employed families with unsubsidized earnings who have recently left Reach Up or the Postsecondary Education program. The purpose of the program is to assist these families in their transition from public assistance and to help them maintain employment by providing work supports and incentives. Reach Ahead is designed to improve family financial stability while the family transitions off of public assistance by providing work supports, services and food assistance.

Reach Ahead provides information and referrals to workforce development options, time-limited work supports, and food assistance. Participation in this program is limited to no more than 24 months in a participating adult's lifetime. When necessary, Reach Ahead provides individualized case management that addresses the individual participant's situation or barriers to self sufficiency and assists the participant to maintain employment.

Definitions

2501 Definitions (7/1/2015, 15-08)

Reach Ahead terms are either defined in Reach Up rules and incorporated into Reach Ahead rules or defined in this section.

- A. The following Reach Ahead terms are defined in Reach Up rule 2301 and incorporated into Reach Ahead rules by this reference:
 - 1. Adult
 - 2. Barrier
 - 3. Caretaker
 - 4. Commissioner
 - 5. Department
 - 6. Dependent Child
 - 7. Living with a relative or caretaker
 - 8. Parent
 - 9. Relative
 - 10. Temporary Assistance to Needy Families or TANF
- B. The following definitions apply to these terms as used in Reach Ahead program rules:
 - 1. "Eligible family" means a family that meets the requirements in rule 2502 and
 - a. has one or more dependent children living with one or both parents or a relative or caretaker of such children; or
 - b. is a pregnant individual who is in her last month of pregnancy, in her final trimester of a medically verified high risk pregnancy, or in her final trimester of pregnancy and is under age 18.
 - 2. "Food assistance" means a monthly financial assistance benefit in the form of food support. If receiving food stamps, the food assistance may supplement the family's food stamp benefit.
 - 3. "Participant" or "participating adult" means an adult member of a participating family.
 - 4. "Participating family" means an eligible family that participates in the Reach Ahead program.
 - 5. "Reach Ahead services" means the service component of the Reach Ahead program consisting of case management services, support services, and referrals provided to eligible families to assist them in maintaining self sufficiency.
 - 6. "Reach First" means Vermont's diversion program established under chapter 10 of title 33 of the Vermont Statutes Annotated and operated in accordance with Reach First rules 2100 to 2199.
 - 7. "Reach Up" means Vermont's financial assistance program established under chapter 11 of title 33 of the Vermont Statutes Annotated and operated in accordance with Reach Up rules 2200 to 2399.

Eligibility

2502 Eligibility (7/1/2015, 15-08)

In addition to the eligibility criteria enumerated below, Reach Ahead eligibility is limited to families who met the financial and non-financial eligibility qualifications for and received financial assistance from Reach Up or the Postsecondary Education Program. The 60-month time limit (rule 2238) does not apply to Reach Ahead eligibility.

2502.1 Initial Eligibility (7/1/2015, 15-08)

To initially qualify for Reach Ahead, families must meet all of the following eligibility criteria.

- A. Meet the definition of family;
- B. live in Vermont;
- C. have left the Reach Up or Postsecondary Education Program within the prior six months;
- D. be receiving income from unsubsidized employment; and
- E. include at least one work-eligible adult who is meeting the Reach Up work requirement applicable to the family's size and composition as established in Reach Up rule with hours in unsubsidized employment.

The Department shall transfer eligible families leaving the Reach Up or Postsecondary Education Program to Reach Ahead, unless the family chooses not to participate.

2502.2 Ongoing Eligibility (7/1/2015, 15-08)

After the determination of initial eligibility, the family must continue to meet the following eligibility criteria for the duration of participation in the program.

- A. Meet the definition of family;
- B. live in Vermont;
- C. Provide verification under Reach Up rules at the times specified below:
 - 1. If there is no change in work hours or family members after eligibility is determined, the work eligible adult(s) meeting the work requirement shall verify work hours and income at 6-month intervals of consecutive months of participation. If feasible, income verification may be done at the same time as food stamps recertification.
 - 2. If there is a change in the family members or the work hours of the work-eligible adult(s) in the family, the family must notify the department of the change within the timeframes required by Reach Up rules and, if necessary, the department will determine if there is ongoing eligibility or a change to the work requirement.
- D. Failure to provide verification when requested and in accordance with these rules will result in termination from the program.

Eligibility

2502.3 Resumption of Eligibility After a Break in Participation (7/1/2015, 15-08)

- A. A break in Reach Ahead participation occurs when the family does not receive any food assistance in a month.
- B. Families who experience a break in Reach Ahead participation for one or more months must file a new application.
- C. Families applying for Reach Ahead after a break in benefits for one or more months must meet all initial eligibility criteria.

This subsection applies only to families that experience a break in Reach Ahead participation and are not transferred to Reach First or Reach Up pursuant to subsection 2502.4 below.

2502.4 Transition to Other Programs (7/1/2015, 15-08)

If a family loses employment meeting or exceeding the work requirements for Reach Up for the family's size and composition and is financially eligible for Reach Up, the family shall be transferred to Reach First or Reach Up without an additional application process, unless the family chooses not to participate. Verification of income or other documentation may be required as provided for in Reach Up rule 2211.3.

Program Participation

2503 Program Participation (7/1/2015, 15-08)

A. Participation in Reach Ahead

1. Participation in Reach Ahead is limited to 24 months of a participating adult's lifetime.
2. The 24 months of participation are cumulative and do not have to be consecutive.

B. Participation in Blended Families

1. A blended family is a family that is in Reach Ahead and includes two work-eligible adults who have differing numbers of remaining months of Reach Ahead eligibility because one or both of the adults have previously participated in the program when they were not in the same family.
2. In blended families, the family's eligibility is determined by the eligibility of the head of the household.
3. Eligibility and benefits for blended families in which only one of two participating adults is eligible due to the other adult having used his or her lifetime limitation shall be based upon the eligibility of the head of the household.
4. Any month of participation by a family with two adults with differing remaining months of eligibility will count against each adult's lifetime months of eligibility, and if the cash value amount of the benefit varies between eligible adults, the family shall receive the benefit of the head of household.

Food Assistance Benefit

2504 Food Assistance Benefit (7/1/2015, 15-08)

Families eligible for and participating in Reach Ahead receive financial assistance in the form of a food benefit. The purpose of this benefit is to provide assistance and recognition for the adult's support of the family through unsubsidized wages.

2504.1 Food Assistance Benefit Amount (7/1/2015, 15-08)

- A. A participating family shall receive a monthly food assistance benefit of \$50.00 each month of the first 12 months of Reach Ahead participation.
- B. A participating family shall receive a benefit of \$5.00 for each month of their 12th through 24th month of Reach Ahead participation.
- C. Any family within the first six months of Reach Ahead participation on July 1, 2015 shall continue to receive a monthly food assistance benefit of \$100.00 until its seventh month of participation, at which time it shall receive a monthly food assistance benefit of \$50.00 for the remainder of the initial 12-month period. Families who experience a break in Reach Ahead participation for one or more months before reaching the seventh month of participation and subsequently re-enroll in Reach Ahead shall receive a monthly food assistance benefit of \$50.00 for the remainder of the initial 12-month period.

2504.2 Food Assistance Benefit and Distribution (7/1/2015, 15-08)

- A. The food assistance benefit is applied to the family's electronic benefit transfer (EBT) card's food account at the beginning of each month.
- B. Food assistance may be used only to purchase eligible food items as defined in the food stamp federal rules.
- C. The food assistance benefit is a food benefit and is not counted as income for determination of eligibility and benefits in other needs-based programs.

Services Component

2505 Services Component (7/1/2015, 15-08)

- A. Eligibility for participation in the Reach Ahead services component is simultaneous with eligibility for the Reach Ahead benefit and is limited to 24 cumulative months of the participating adult's lifetime.
- B. The Reach Ahead services component consists of support services (including a 100 percent child care services subsidy), referral to other agencies or programs, including workforce development, that provide the services needed by participating families to improve the family's prospects for employment retention.
- C. When necessary, the services component may include case management services.

2505.1 Case Management Services (7/1/2015, 15-08)

- A. If a family needs case management, the case manager and the family may develop a family development plan.
- B. Case management services and the family development plan shall focus on employment retention and advancement.
- C. In developing a plan and providing case management services, the department shall follow Reach Up rules 2302 through 2315 to the extent they are related to and limited to services necessary for job retention and advancement.
- D. When case management is provided, the case manager and adults in the family may develop a new or extend the operation of an existing Reach Up family development plan following the process of Reach Up rule 2332.
- E. If practicable, the case manager shall be the same case manager previously assigned to and working with the family.

2505.2 Family Development Plans (7/1/2015, 15-08)

For families requesting a family development plan, the department may assist the family in developing a plan relying on Reach Up rule 2330, but only to the extent that it is consistent with Reach Ahead rules and the program purposes to assist the family to maintain or enhance existing employment.