

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families



BULLETIN NO.: 23-30

FROM: Miranda Gray, Deputy Commissioner
Economic Services Division

DATE: 07/22/24

SUBJECT: Reach Up Services Rules

CHANGES ADOPTED EFFECTIVE 08/01/2024

STATUS

Proposed Rule
 Final Proposed Rule
 Adopted Rule

RULE REFERENCE(S):

2300-2342

Summary of Proposed Rule

The Reach Up program provides cash assistance and support services to low-income families. The Reach Up Services rules govern participation requirements for families receiving Reach Up financial assistance. Act 133 of 2022 substantially changed the Reach Up program by replacing the requirement for participants to engage in designated work activities for a set number of hours based on the family's composition with participant requirements that employ a universal engagement model that identifies participants' strengths and needs and develops individualized plans, considering their unique circumstances to help them move toward their goals. This rule implements these changes by removing all references to the work requirement, work requirement hours, and related criteria and replacing the work requirement structure with "Reach Up participant requirements" that includes the list of activities outlined in Act 133 and updates language to reflect the universal engagement model.

Specific Changes to Rule Sections

Former Section Number	New Section Number	Explanation
2300(b)(3)		Insert "coaching services"
2301		Delete definitions of "able to work part time" and "unable to work;" insert definitions of "coaching," "subsidized employment," "unsubsidized employment," and "work experience"

2302(e)		Replace “Reach Up services requirements” with “Reach Up participant requirements”
2302.1		Delete subsection (c)
2304		Add language to subsection (a) addressing goal setting; delete subsections (b) and (d)
2307(3)		Replace “counseling” with “coaching”
2309.1(a)		Delete subsection (4)
2309.2(c)		Delete references to “work requirement”
2311		Move content from rule 2318 into this rule; delete duplicative language regarding required participation in services
2312		Delete
2312.1	2312	Replace “Reach Up services requirements” with “Reach Up participant requirements;” delete reference to “modification;” and replace “work requirement” with “engage in Reach Up participant requirements”
2313(c)		Add language regarding goal achievement
2313(e)		Add training and education as FDP goals
2314		Add training and education as FDP goals
2316		Replace “work requirement” with “participation in the Reach Up participant requirements;” replace “complied” with “engaged in”
2317		Add new list of activities from Act 133; delete references to “work requirement
2318		Delete – the content of this rule was moved to rule 2311
2318.1	2318	
2319(b)(1)		Delete
2320		Remove age requirements for offering case management services to out-of-school youth
2321		Delete
2322-2322.4		Delete
2323-2323.12		Delete
2324		Delete
2325	2321	
2326	2322	Replace “certain work activities” with “unpaid work activities”

2327	2323	Delete references to modification and work requirement and include content from rule 2328
2327.1		Delete
2328		Delete – content from this rule is included in rule 2327 except for deferments that no longer apply under Act 133
2328.1	2323.1	Remove requirement to provide a written statement documenting domestic violence
2328.2	2323.2	Delete criteria for medical deferments based on inability to work
	2323.3	Add criteria for evaluation a needed-in-the-home deferment
2329	2324	Delete references to work requirement and requirement to accept or retain employment
2329.1	2324.1	Add language regarding conciliation
2329.2	2324.2	Delete reference to conciliation
2330	2325	
2331	2326	
2331.1	2326.1	Delete references to “work requirement”
2331.2	2326.2	
2331.3	2326.3	
2332	2327	
2332.1	2327.1	
2332.2	2327.2	Delete reference to “modification”
2332.3	2327.3	
2332.4	2327.4	
2333	2328	
2333.1	2328.1	
2333.2	2328.2	
2333.3	2328.3	
2333.4	2328.4	
2333.5	2328.5	
2334	2329	
2334.1	2329.1	
2334.2	2329.2	
2335	2330	
2336	2331	
2336.1	2331.1	
2336.2	2331.2	
2336.3	2331.1	
2337	2332	
2337.1	2332.1	
2338	2333	
2338.1	2333.1	Delete reference to “Reach Up work requirement”
2338.2	2333.2	
2338.3	2333.3	
2339	2334	
2340	2335	
2341	2336	

2342	2337	
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Rulemaking Process

A. Informal Public Input Process

1. The proposed rules were pre-filed with the Interagency Committee on Administrative Rules (ICAR) on December 8, 2023, and presented at ICAR's meeting on January 8, 2024.
2. The proposed rules were filed with the Secretary of State's Office on February 2, 2024.
3. The Secretary of State published a notice of rulemaking on its website and in newspapers on February 7, 2024, and February 15, 2024, respectively.
4. The Department posted the proposed rule on its website, <https://dcf.vermont.gov/esd/laws-rules/proposed>, and notified advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. An in-person and virtual public hearing was held on March 8, 2024 in Waterbury, VT. No one attended the public hearing. The deadline for written public comment was March 15, 2024. No comments were received.
2. The final proposed rule was filed with the Secretary of State's Office and the Legislative Committee on Administrative Rules (LCAR) on April 29, 2024.
3. The final proposed rule was presented and approved by LCAR at its June 13, 2024 meeting.
4. The effective date of the rule is August 1, 2024.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking, visit the website of the Office of the Vermont Secretary of State at: <https://sos.vermont.gov/secretary-of-state-services/apa-rules>. If you have general questions about the rulemaking process, email sos.statutoryfilings@vermont.gov or call 802-828-3700.

For information on upcoming hearings before the Legislative Committee on Administrative Rules (LCAR), visit the Vermont Legislature's website at: <https://legislature.vermont.gov/committee/detail/2024/39>.

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2300 Reach Up Services

- a. In combination with Reach Up financial assistance, the Reach Up Services program supports each participant pursuant to the Reach Up mission of overcoming obstacles, exploring opportunities, improving finances and reaching their goals.
- b. The Reach Up Services program provides:
 - 1. Case management services;
 - 2. Coaching services;
 - 3. Support services; and
 - 4. Referrals.

2301 Definitions

- a. The following definitions apply to the terms used in the rules for the Reach Up Services program.
 - 1. "Able-to-work" means to be free of any physical, emotional, or mental condition that would prevent the participant from engaging in any allowable and countable combination of work activities for at least 35 hours per week.
 - 2. "Adult relative" means an adult individual, who is related to the minor parent.
 - 3. "Approved living arrangement" means a minor parent living in the following settings:
 - i. With a parent or adult relative, who provides supervision in a setting that includes, at a minimum, the following:
 - A. Safe and adequate shelter;
 - B. The opportunity and encouragement for the minor parent to learn independent living and parenting skills through experience;
 - C. Strong support to help the minor parent meet the goals of the Reach Up family development plan (FDP); and
 - D. The minor parent considers the parental home acceptable; or
 - ii. Group homes for pregnant and parenting teenagers, licensed foster homes, and ESD-approved transitional housing with an adult residing in one of the living units.
 - 4. "Assessment" means:
 - i. The Department's information-gathering process that identifies a participant's skills, aptitudes, interests, life and work experience and obstacles; and
 - ii. The determination of how these factors relate to the participant's goals and their ability to work.
 - 5. "Case management" means the services provided by or through the Department to Reach Up households, including assessment, information, referrals, and assistance in the development of participant goals and implementation of a FDP.

6. "Coaching" means the participant and case manager work together to set goals for family wellbeing and economic mobility.
7. "Obstacle" shall have the same meaning as "barrier" under 33 V.S.A. § 1101(5) and include:
 - i. Any physical, emotional, or mental condition;
 - ii. Any lack of an educational, vocational, or other skill or ability;
 - iii. Any lack of transportation, child care, housing, medical assistance, or other services or resources;
 - iv. Domestic violence circumstances;
 - v. Caretaker responsibilities; or
 - vi. Other conditions or circumstances that prevent a participant from engaging in employment or other work activity.
8. "Subsidized employment" means full or part-time employment in the public or private sector that is subsidized by TANF or any other public program.
9. "Unsubsidized employment" means full-or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.
 - i. Self-employment is a type of unsubsidized employment.
 - A. Self-employment is working for oneself in a job that results in net income to the participant, after business expenses.
10. "Work-eligible adult" means a parent or caretaker in the Reach Up household unless the parent or caretaker is:
 - i. A minor parent and not the head-of-household; or
 - ii. A parent or caretaker providing care for a disabled family member living in the home.
11. "Work experience" means a placement at a worksite supervised by an employer, work site sponsor, or other responsible party on an ongoing basis. Work experience provides a participant with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment.
 - i. Participants engaged in this activity are not employees of the work experience worksite or the State of Vermont.
 - ii. Placement in work experience arranged by the Department shall be conducted in

accordance with the agreement between the Department and the placement that specifies rules and expectations of:

- A. The Department;
- B. The work site; and
- C. The participant.

2302 Case Management

- a. The Department shall provide Reach Up services to Reach Up households through a case management model informed by knowledge of the household's home, community, employment, and available resources.
- b. Case management will include assessment, sharing of information, referrals, and assistance in the preparation and implementation of a family development plan (FDP) to address the household's well-being and financial stability.
- c. Services may be delivered in the Reach Up household's home, their community, or the district office.
- d. A case manager shall be assigned to each Reach Up participant as soon as they begin to receive benefits.
 - 1. Case management for a Reach Up household may begin as early as their application for Reach Up benefits and continue until the household is no longer eligible for case management services.
- e. The case manager shall have regular contact with the participant to ensure they are meeting the Reach Up participant requirements, progressing towards their goals, and implementing their FDP.
- f. Case management services may also be provided to parents/caretakers who live with an eligible child but are not included in the Reach Up household.

2302.1 Caseload Size

- a. To ensure quality of service, the Department shall limit case managers' caseload size in a manner that is consistent with research on best practices.
- b. A full-time Reach Up case manager, shall not, at any time, be responsible for more than 80 active cases.

2302.2 Assessment

- a. All participants shall cooperate with their case manager in an ongoing assessment process.
- b. The assessment shall include, but is not limited to, the following:
 - 1. Identification of the participant's work experience, skills, interests, goals and their ability to work;

2. Determination of whether the participant has obstacles and how these obstacles relate to their goals and ability to work;
3. Literacy evaluation; and
4. Determination of what services are needed to achieve their goals and implementation of their FDP.

2303 Support Services

- a. Support services are the services and referrals needed for the accomplishment of the participant's goals and the implementation of their FDP (Reach Up Eligibility rule 2201).
- b. The Department shall determine the full range of support services needed by each Reach Up household and include the support services in the FDP.

2304 Determination of Support Services

- a. The Department determines the support services needed by each Reach Up household based upon the results of the participants' assessments and the goals established by the participants.
- b. Whenever the FDP is modified, the case manager shall reassess the household's needs for support services.
- c. Participants may be eligible for services for a period of 6 months, subject to program regulations, if they no longer receive Reach Up benefits due to employment.
- d. If the successful completion of the FDP requires a support service that is unavailable, the individual must cooperate with the case manager in developing an alternative FDP for which the necessary support services are available at a cost that does not exceed the limits established for the program.
 1. Support services will be considered unavailable if:
 - i. The service cannot be obtained within an hour commute of the participant's residence; or
 - ii. The service is only available at a cost to the Department, and the Department does not provide funding for the service for reasons allowable under these rules.
- e. The Department does not guarantee:
 1. The availability of funds for the purchase of services; or
 2. The availability of services in the community at the price established to enable the program to serve all participants.

2305 Support Services Providers

- a. The Department may provide support services directly, may refer participants to other programs for services, or may pay for services from other entities.
- b. The Department shall refer participants to any existing programs that provide the needed services at no cost to the participant or Department.

- c. Under certain circumstances, the Department may purchase services that are not available without cost, if the expenditure is within established spending limits (rule 2306).

2306 Payment for Support Services

- a. Support service spending limits are established by the support service matrix.
 - 1. The matrix establishes annual maximum spending limits and limitations on payments for specified support services items.

2306.1 Payment by Other Programs

- a. The Department will not pay, or supplement the payment, for a service or expense available through other Agency of Human Services (AHS) programs.
- b. A Reach Up participant eligible for a needed support service available through another AHS program must first seek the service through that other program.
- c. Participants covered by Medicaid, health insurance, or health care assistance through any other providers, shall obtain medical assistance through these programs.
- d. Child care assistance through the Child Development Division, Child Care Financial Assistance Program (CCFAP), shall be utilized first (rule 2309).

2306.2 Payment by Department for Children and Families

- a. The Department may pay for support services that the Reach Up household needs, but cannot access through any other program, subject to the support service matrix.
- b. When the Department pays for the support service, it follows the following steps:
 - 1. The Department will authorize payment for the service;
 - 2. Participants must provide written documentation of the cost and receipt of the service to the Department; and
 - 3. The Department will issue the payment to the participant or to the provider of the service.
- c. The Department shall not provide participants with medical services, including dental services, using TANF funds.

2307 Types of Support Services

- a. Subject to fiscal limitations, the Department shall provide or refer participants to other providers, when needed, to achieve the goals of their FDP, for the following types of services:
 - 1. Appropriate child care, available at times that will enable employment or participation in activities included in the participant's FDP;

2. Transportation that will enable employment or participation in activities included in the participant's FDP;
3. Career coaching, education, training, and job search assistance, consistent with the purposes of the Reach Up Program;
4. Vocational rehabilitation;
5. Medical and dental assistance;
6. Homelessness prevention and housing assistance;
7. Family planning education and counseling;
8. Assistance with obtaining documentation of an apparent or claimed physical, emotional, or mental condition that reasonably can be presumed to limit or eliminate the participant's capacity to engage in employment or other work activity;
9. Services for teen parents through the teen parent education program established in cooperation with the Department of Education; or
10. Any other services identified in the FDP and determined by the Department to be necessary and appropriate to achieve the purposes of the Reach Up Program.

2308 Criteria for Purchase of Support Services

- a. The Department may pay for support services, within the limits established in the support services matrix, subject to the following conditions:
 1. Payment for support services not specified below requires the approval of the Department on a case-by-case basis.
 2. Child care assistance is generally provided by CCFAP (rule 2309), but ESD may pay in the situations specified in rule 2309.3.
 3. Reimbursement is provided for travel to and from any FDP activity.
 - i. Such reimbursements are subject to a maximum amount per participant over an established time period.
 - ii. Reimbursement for mileage does not require documentation of its cost.
 4. When a participant must use a personal vehicle belonging to the participant or a member of the Reach Up household to travel to both paid and unpaid FDP activities, the Department may authorize payment of the following expenses:
 - i. A driver's license;
 - ii. Required vehicle insurance;
 - iii. Vehicle registration; and
 - iv. Necessary repairs to make the vehicle operable and able to pass inspection.
 5. Out-of-state travel shall be authorized only for approved program activities and/or out-of-state job interviews.

6. When a participant has been determined eligible for financial aid from the Vermont Student Assistance Corporation and can demonstrate the ability to cover tuition costs, the Department may authorize payment for registration, books and supplies, lab, testing, and other mandatory fees needed to participate in one or more of the following activities:
 - i. Vocational education;
 - ii. Job skills training;
 - iii. Basic education directly related to employment; or
 - iv. A try-out course, included in the participant's FDP, if a parent is considering pursuit of a two- or four-year postsecondary degree .
7. Payment is authorized for some or all of the tuition for the activities specified in subsection (6) when one or both of the following conditions are met:
 - i. The payment requested is for tuition in excess of financial aid limits on nondegree tuition; or
 - ii. Financial aid for nondegree tuition has been exhausted.
8. Payment is authorized for tuition in any other situation, pending Department approval, when no employment goal can be pursued without the need for tuition.
9. Payment is authorized for equipment necessary for a participant to accept or continue employment.
10. Payment is authorized for haircuts, clothing necessary for a job interview, uniforms, work shoes, or other apparel specifically required for employment or participation in a FDP activity.
11. Payment is authorized for relocation costs only when a participant makes a permanent move necessary for participation in a FDP activity or to accept or continue employment.
 - i. Relocation costs are limited to rental of a motor vehicle and related equipment needed to move household contents.
 - ii. An alternative method may be authorized if that relocation method costs no more than the rental of a motor vehicle and related equipment.
12. Payment may be authorized for temporary housing when it is necessary to enable a participant to accomplish the following:
 - i. Participate in a FDP activity;
 - ii. Attend a job interview away from the participant's residence; or
 - iii. Search for permanent housing when a permanent move is necessary for the individual to participate in a FDP activity or accept or continue employment.

2309 Child Care Assistance

- a. Child care assistance is available through CCFAP.
- b. Participants eligible for child care services (rule 2309.1) may choose either a regulated or exempt child care provider that meets the requirements of CCFAP.
- c. Participants, who need assistance in identifying available child care providers, need information, or

counseling that will assist them in making an informed choice among available child care providers, shall be referred to the local child care referral specialist.

2309.1 Child Care Assistance Eligibility Criteria

- a. Participants in FDP activities, employed or self-employed, are eligible for child care assistance, subject to all of the following conditions.
 1. The child care is necessary to enable a participant to accept or retain employment or self-employment or participate in a FDP activity and neither parent/caretaker is available and able to provide the necessary care.
 2. Child care assistance is not allowed for child care required by unpaid volunteer work unless such volunteer work is related to the participant's employment goal and is an activity included in the FDP.
 3. The hours for which child care assistance is requested are reasonably related to a participant's hours of employment or self-employment, or to an activity included in the FDP.
 4. The participant requests child care assistance and provides information to the Department about their income, the child requiring care, and provider of care information.
 5. The child requiring care is a member of the Reach Up household or a child within the household receiving SSI/AABD or foster care benefits under Title IV-E.
 6. The child requiring care fits within one of the following groups:
 - i. Under the age of 13;
 - ii. At least 13 years of age, but under the age of 19, eligible for special education services in accordance with an Individualized Education Plan (IEP) or 504 Plan, and not capable of providing safe self-care as verified by the written report of a licensed physician or licensed psychologist;
 - iii. At least 13 years of age, but under the age of 19, with a documented physical, emotional, or behavioral condition that precludes the child from providing self-care or being left unsupervised, as verified by the written report of a physician or licensed psychologist; or
 - iv. At least 13 years of age, but under the age of 19, and under court supervision.
 7. The provider of care is:
 - i. Licensed, registered, or has been granted Approved Relative Child Care (ARCC) provider status by CDD;
 - ii. Exempt from licensing or registration regulation under 33 VSA §3502 (b);
 - iii. A town or school summer youth recreation program with hours that enable the child's parent/caretaker to engage in FDP activities;
 - iv. Awaiting ARCC provider status from CDD; or
 - v. Licensed, registered, or exempt under the law of the jurisdiction in which the child care is provided, if the provider is not located in Vermont.
 8. The child care assistance takes into account the individual needs of the child and is appropriate to their age and special needs and the location of care is reasonably accessible to the child's home, school, or the participant's place of employment or FDP activity.

2309.2 Child Care Assistance Authorizations

- a. Child care assistance is authorized for 12-month periods at a time.
- b. Child care assistance is allowable in the following circumstances:
 - 1. For a participant waiting to begin employment, self-employment, or a FDP activity, child care assistance may begin up to two weeks before the employment or FDP activity begins; or
 - 2. If necessary to secure a child's slot in a child care facility, child care assistance may begin up to 30 days before the employment or FDP activity begins.
- c. The Department shall approve child care hours sufficient to cover the hours needed to engage in the participant's FDP activities, including the travel time to and from such activities.

2309.3 Child Care Assistance Payment Rate

- a. The payment rate for allowable child care assistance shall be set by CDD.
- b. CDD will pay the child care provider except in the following situations, where the Department will pay the provider according to limits in the support services matrix:
 - 1. For short-term, sporadic, or generally nonrecurring FDP activities, the Department will pay for child care for children under 13, limited to 20 days of care per provider.
 - i. These payments will be made only to providers that are ineligible for child care reimbursement from CDD.
 - ii. This allowance for child care may cover children 13 years of age and older if the child meets the basic eligibility criteria under rule 2309.1.
 - 2. When the hours enable the participant to engage in an FDP activity, the Department may pay for a child attending a youth recreation program.

2310 Incentive Payments

- a. The Department shall provide incentive payments to Reach Up participants for successfully completing activities or tasks included on their FDP.
- b. Successful completion of the FDP activities or tasks will be defined by the Department.

2310.1 Payment of Incentives

- a. The Department shall provide incentive payments as established by the support services matrix.
- b. Incentives may vary depending on the length of time involved and the level of difficulty the completed activity represents for the participant.
- c. The specific amount of the incentive shall be at the discretion of the Department based on the definition of the goal in the FDP and maximum amounts established per participant in the support services matrix.

2311 Reach Up Participant Requirements

- a. The following requirements apply to every Reach Up participant, including minor parents (rule 2319), unless the requirements are deferred pursuant to rule 2323:
 - 1. Each participant shall engage in the creation of the FDP;
 - 2. Each participant shall engage in assessment and evaluation activities;
 - 3. Each participant shall engage in the FDP requirements as soon as the agreed upon activity is available;
 - 4. Participants shall engage in their FDP activities for the number of hours per week that the activities are scheduled and available, unless good cause exists for not doing so (rule 2325);
 - 5. Participants may provide written verification, when required, of attendance and participation in any FDP activity; or
 - 6. Participants may request assistance if they have difficulty obtaining the required verification.
 - 7. Participants shall continue to engage in the FDP requirements while receiving Reach Up benefits.
- b. Required participation in Reach Up services begins with the application for Reach Up benefits and continues until the participant is no longer receiving Reach Up benefits.
- c. Participants, who do not engage in the participant requirements without good cause (rule 2325), shall have their Reach Up benefits reduced (rule 2328) or closed (Reach Up Eligibility rule 2234.1).
- d. Youth, who are not attending school full-time, may participate in Reach Up services (rule 2320).

2312 Notification of Requirements

- a. At the time of application for Reach Up benefits, and at the time of recertification, the Department will provide each Reach Up participant with information about the Reach Up participant requirements.
- b. During the time a participant is receiving benefits, the Department shall keep them informed about their Reach Up participant requirements.
- c. The participant's requirements are dependent upon their participation status, which is determined by the following:
 - 1. Reach Up household composition; and
 - 2. The participant's goals and their ability to work.
- d. The Department shall notify all applicants/participants, in writing, of the following:

1. Their participation status;
2. A change in participation status;
3. The rights and responsibilities associated with the participation status;
4. The availability of deferments to engage in Reach Up participant requirements;
5. The potential for sanction or closure of benefits for noncooperation;
6. The right to request conciliation; and
7. The right to a fair hearing for participants who do not agree with the status determination.

2313 Family Development Plans

- a. Every participant must have a family development plan (FDP).
- b. The FDP documents participation in Reach Up services (rule 2300).
- c. The FDP sets forth each participant's responsibilities, which include:
 1. Engaging in goal achievement related to employment, training, education, and other applicable goals;
 2. The schedule of activities to attain the goals; and
 3. The specific FDP requirements they must fulfill to avoid sanctions or closure.
- d. Development of the initial FDP begins during application for Reach Up benefits (Reach Up Eligibility rule 2202).
 1. A second parent who joins an existing Reach Up household shall develop an initial FDP as a condition of their eligibility and the household's continuing eligibility, while a decision on their eligibility is pending.
- e. Within 30 days of the first Reach Up services meeting the FDP shall be created and include the following:
 1. Employment, training, education, and other applicable goals of each participant;
 2. An assessment (rule 2302.2) of each participant's strengths and whether they have any obstacles to their goals and ability to work, including a literacy evaluation followed by referral to an appropriate resource or program, if needed;
 3. Identification of the services, supports, and accommodations needed to overcome any obstacles and move them toward their goals;
 4. Assignment of Department and participant responsibilities with a time schedule for fulfillment of these FDP responsibilities; and
 5. Definition of goals for successful completion of activities relative to incentive payments (rule 2310).

2314 Participant Goals in the FDP

- a. The participant's goals are essential elements of the FDP.

- b. Every participant must establish an employment, training, or education goal and other applicable goals necessary to overcome any obstacles to their goals.
- c. The participant's goals may evolve over time, taking into consideration their assessment (rule 2302.2) and any other factors affecting goal attainment.

2315 Creation of the FDP

- a. The Department, with the full involvement of the participant, shall create the FDP.
- b. Creation of the FDP is an ongoing process.
- c. Participants are required to engage in activities that are included in their FDP.
- d. In developing the FDP, the Department and the participant should be guided by the participant's goals, including their employment goal.
- e. The schedule of activities, including work activities, must provide the most efficient route to attainment of the participant's goals.
- f. If a participant has any known obstacles to achieving their goals, they must be identified and addressed in the FDP with a schedule of activities and services.

2316 FDP Reviews and Modifications

- a. The Department shall establish a schedule for review of the FDP that includes a personal contact with the participant at least once per month to review the FDP and, if necessary, to modify the plan.
- b. In addition to regularly scheduled reviews of the FDP, the Department shall review and, if necessary, modify the plan in the following circumstances:
 - 1. Services required by the FDP are unavailable;
 - 2. A deferment from participation in the Reach Up participant requirements has been requested;
 - 3. A deferment is scheduled to end within 60 days, in which case the Department shall review the FDP before the deferment expires;
 - 4. The participant has started an unsubsidized or subsidized job, in which case the Department shall review the FDP within 30 days of the date the participant started the job;
 - 5. The participant has lost unsubsidized or subsidized employment;
 - 6. The participant is nearing the date set for attaining their goals, including their employment goal, in which case the Department shall review the FDP at least 30 days prior to that date;
 - 7. Changes to the FDP are needed to protect the well-being of the participant's children;
 - 8. The participant is not making satisfactory progress in achieving the goals of the plan, including their employment goal, or it becomes apparent that the participant cannot achieve them in the time allowed;
 - 9. The participant has not engaged in an FDP requirement;

10. A change of circumstances requires a Reach Up eligibility review; or
 11. A second parent joins or leaves the Reach Up household.
- c. The Department shall reassess the participant and make appropriate referrals when there is indication that a previously unidentified obstacle may cause non-engagement with program requirements or an inability to make satisfactory progress toward the goals of the plan, including their employment goal.
 - d. The Department shall conduct routine reviews of FDPs to ensure quality of service or when they have notice that there may be issues of non-engagement or quality of service.
 1. After the review, the Department shall modify the FDP, if necessary.

2317 FDP Requirements

- a. Each adult participant in a Reach Up household must engage in FDP activities consistent with their highest level of capability.
- b. The FDP shall include participation in required activities that address the Reach Up household's goals and well-being, including:
 1. Full- or part-time unsubsidized or subsidized employment;
 2. Activities that develop and enhance the participant's employment skills, including:
 - i. Career-specific training programs;
 - ii. English language learning;
 - iii. Literacy and math skill courses; or
 - iv. Credential programs.
 3. Entrepreneurship and business development;
 4. Job search and career exploration, including:
 - i. Engaging in work experience; or
 - ii. Participating in job shadow opportunities;
 5. Education, including obtaining:
 - i. A high school diploma;
 - ii. Technical training or vocational education; or
 - iii. Career-specific education;
 6. Activities that build the foundations for employment, including:

- i. Housing search efforts;
 - ii. Arranging transportation; or
 - iii. Arranging child care; or
7. Activities that improve family and financial well-being, including:
- i. Financial capability classes and coaching;
 - ii. Mental health treatment;
 - iii. Treatment for substance use disorder;
 - iv. Working with children's health and school professionals;
 - v. Applying for Supplemental Security Income; or
 - vi. Working with FSD.
- c. The FDP requirements shall be determined on an individual basis.
- d. If a participant can perform work activities appropriately related to their employment goals, the Department shall include such participation as an FDP requirement.

2318 Two-Adult Household Requirements

- a. Participants in a Reach Up household with two adults, including minor parents, must both complete an assessment, create individual FDPs, and establish their goals, including employment goals.
- b. Subject to program rules and limitations, the Department will provide support services for participants in a two-adult household, including minor parents, who engage in FDP activities.

2319 Minor Parent Requirements

- a. A minor parent is an individual under age 18, who is a parent or is pregnant.
- b. Regardless of their school attendance, dependent status, the age of their youngest child, or participation in a supervised living arrangement, all minor parents must participate in their FDP activities.
- c. The FDP shall include the following requirements:
 - 1. The minor parent shall attend school, an appropriate alternative education, or a training program; and
 - 2. If the minor parent is not emancipated in accordance with 12 V. S. A. §7151, the minor parent and the dependent children in the minor parent's care must reside with a parent or in an approved living arrangement (rule 2319.1).

2319.1 Approved Living Arrangement

- a. If the minor parent is not residing in an approved living arrangement (rule 2301) the case manager

and minor parent shall jointly determine whether any appropriate living arrangement is available.

1. The home of a parent/legal guardian shall be the first option explored.
 2. If either the case manager or minor parent does not agree that a parental home is available and appropriate, they shall seek an alternative approved living arrangement.
 3. After a decision on the minor parent's living arrangement has been made, the relationship between the minor parent and the parent/legal guardian may be subsequently explored within the context of providing case management services to the minor parent.
- b. If the minor parent is participating in an approved substance use treatment program, or a vocational or educational program that would no longer be geographically feasible if the minor parent returned to the parent's/legal guardian's home, the case manager shall help the minor parent find an alternative living arrangement.

2319.2 Unavailability of Approved Living Arrangement

- a. If the case manager and minor parent have been unable to develop an agreed-upon living arrangement, the Department shall review the case circumstances, determine whether an appropriate living arrangement is available, and, if so, require the minor parent to live in that arrangement.
- b. If there is no appropriate living arrangement available, the Department shall determine whether a designated nonresident adult may provide regular support and guidance in an independent living arrangement.
 1. If there is no such adult available, the minor parent is exempt from the approved living arrangement requirement.

2319.3 Residence in Unapproved Living Arrangement

- a. If the minor parent is not exempt and does not reside in a living arrangement specified by the Department, the Reach Up household benefits shall be subject to financial sanction (rule 2327).
- b. The following circumstances constitute good cause for a minor parent to be exempt from the living arrangement requirement and permitted to live independently:
 1. A parent aged 17, who has lived apart from their own parents, legal guardian, or adult relative, and has been independently self-supporting for a period of at least six months before either the birth of their child or their application for Reach Up benefits;
 2. A minor parent resides with their child's other parent, and both parents are age 16 or older; or
 3. The Department determines that no appropriate living arrangement is available.
- c. Minor parents not living in an approved living arrangement at the time of application, who do not have good cause for living independently, may receive Reach Up benefits for 30 days from the application approval date, if all other eligibility factors are met.
 1. During this initial 30-day period, minor parents will work with their case manager to determine

if an approved living arrangement exists, or if they are exempt from this requirement.

- d. Minor parents who leave an approved living arrangement with good cause, as described below, shall have up to 30 days from the date they left to move into another approved living arrangement.
 - 1. This 30-day period may be extended an additional 30-day grace period if the Department determines that a good faith effort is being made to find a suitable living arrangement and the additional time is needed to locate appropriate housing.
- e. The following reasons constitute good cause for a minor parent to leave an approved living arrangement:
 - 1. The supervising adult or organization is no longer willing or able to provide the living arrangement;
 - 2. The minor parent alleges that the living arrangement is unacceptable because of abuse or neglect of the minor parent or their child; or
 - 3. The minor parent and the case manager agree that the current living arrangement is no longer needed or appropriate, and no other suitable option is immediately available.

2320 Out-of-School Youth

- a. Case management services may be offered to out-of-school youth of any age in a Reach Up household.

2321 Work Activity Displacement Policy

- a. No participant shall be employed or placed in an activity at a location where:
 - 1. An individual's employment was terminated at the same work site, and they had previously performed the same or substantially equivalent employment;
 - 2. The employer has terminated the employment or reduced the regularly scheduled hours of any regular full-time employee to fill the vacancy with a participant of the Reach Up program;
 - 3. The employer has otherwise caused an involuntary reduction of its work force capacity to fill the vacancy with a participant of the Reach Up program; or
 - 4. The employment or placement of the participant is the result of a strike, lockout, or other bona fide labor dispute.
- b. If there is a bargaining unit at the work site, the Department shall obtain certification from the bargaining unit to ensure the participant's employment or placement will not result in any bargaining unit agreement violation.
- c. The Department shall maintain a grievance procedure for resolving complaints of alleged violations of the Department's work activity displacement policy.
 - 1. This procedure will involve the opportunity for informal resolution conducted by the Department.

2322 Fair Labor Standards Act

- a. The Department shall comply with the provisions of the Fair Labor Standards Act (FLSA) with respect to the maximum number of hours participants can engage in unpaid work activities.
- b. For certain work activities subject to FLSA provisions, the maximum number of hours a participant can be required to work shall be calculated as follows:
 1. Determine the Reach Up benefit amount received;
 2. Subtract the parent share of child support received;
 3. Add the monthly 3SquaresVT benefit received;
 4. Divide this sum by Vermont minimum wage to determine the number of hours that the participant can be required to work in the FLSA activity for the month; and
 5. Divide the number of hours by the number of weeks in this month to get the hours that the participant can be required to work in this activity per week.

2323 Deferment of Reach Up Participant Requirements

- a. The Department may defer the participant requirements set forth in rule 2311.
 1. A deferment exempts a participant from engaging in Reach Up participant requirements.
- b. A participant may be required to provide documentation of the existence of the circumstances or condition serving as the basis for a deferment.
- c. When the reason for a deferment specifies a related time period for expiration, the deferment is limited by its terms.
- d. The Reach Up participant requirements in rule 2311 shall be deferred for:
 1. A participant caring for a child under six weeks of age or caring for a child for six weeks from the date of adoption;
 2. A participant needed in the home to care for a disabled or seriously ill family member, as determined in rule 2323.3.
 3. A parent/caretaker aged 60 or older;
 4. A participant unable to engage in the Reach Up participant requirements due to the effects of domestic violence, as determined in rule 2323.1;
 5. A participant unable to engage in the Reach Up participant requirements due to medical related issues, as determined in rule 2323.2; or
 6. A participant engaging in behavior that constitutes a serious threat or hazard to fellow participants or Department staff.

2323.1 Domestic Violence Deferment

- a. The Department shall make an individualized assessment of a participant's situation and available documentation to determine whether their request for deferment because of domestic violence shall be granted.
 - 1. These effects may be the result of domestic violence that occurred in the past or the present.
- b. The Department shall grant a domestic violence deferment when engaging in Reach Up participant requirements can be reasonably anticipated to result in serious physical or emotional harm to:
 - 1. The participant, that significantly impairs their capacity to engage in Reach Up participant requirements;
 - 2. The participant, that significantly impairs their ability to care for a child adequately; or
 - 3. A child.
- c. If the Department determines that supporting documentation is necessary to determine whether the deferment shall be granted, the following items are examples of acceptable documentation:
 - 1. Medical reports or records;
 - 2. Court documents;
 - 3. Police reports;
 - 4. Statements from victim advocates or staff working in a domestic violence program;
 - 5. School records;
 - 6. Reports from other FSD staff; or
 - 7. Statements from neighbors, employers, family, or friends.
- d. The decision to grant or deny the deferment shall be based solely on the consultation between the case manager and participant if, for any reason, the participant is unable or unwilling to provide supporting documentation that the Department had determined was necessary.
- e. The Department may grant a domestic violence deferment for a period of time as established by the case manager and participant.
- f. There is no limit to the number of times the deferment may be extended.
 - 1. No additional verification of domestic violence is required if circumstances have not changed.

2323.2 Medical Deferment

- a. The Department shall make an individualized assessment of a participant's health situation and available documentation to determine whether their request for medical deferment shall be

granted.

1. A medical deferment is granted if the participant is unable to engage in the Reach Up participant requirements.
2. There is no limit to the number of times the deferment may be extended

2323.3 Needed-in-the-Home Deferment

- a. The Department shall make an individualized assessment of the health situation of the participant's family member and available documentation to determine whether their request for deferment shall be granted.
 1. A needed-in-the-home deferment is granted if the participant is unable to engage in the Reach Up participant requirements.

2324 Types of Non-Engagement

- a. Non-engagement exists when a participant does not engage in the following actions:
 1. Appear for an assessment after one written request by the Department;
 2. Cooperate in the development of the FDP;
 3. Participate in FDP activities;
 4. Refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
 5. Refrain from behavior that constitutes a threat or hazard to fellow participants or Department staff;
 6. Accept appropriate child care (rule 2325.3) or other support services that would allow participation in FDP activities;
 7. Follow through on treatment or rehabilitation services plans;
 8. Appear for a referral to or interview for employment consistent with their goals;
 9. Reside in an approved living arrangement, if a minor parent; or
 10. Apply for, or comply with, the requirements of unemployment compensation, if otherwise eligible.

2324.1 De Facto Refusal

- a. De facto refusal occurs when non-engagement is implied by a participant not meeting one or more Reach Up services requirements, without good cause.
- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for their non-engagement, the non-engagement process ends.

- d. If no good cause for the non-engagement exists, the Department will initiate the conciliation process (rule 2326) or for participants ineligible for conciliation, the sanctions process (rule 2327).
 - 1. When de facto refusal occurs and the participant is ineligible for conciliation the Reach Up benefits will be terminated for Reach Up households that have received 60 or more countable, cumulative months of benefits.

2324.2 Overt Refusal

- a. Overt refusal occurs when, without good cause, a participant declares, verbally or in writing, an unwillingness to engage in Reach Up services requirements.
 - 1. The Department will ask the participant to put verbal refusals in writing and, if they refuse, the verbal refusal will be accepted.
- b. The Department shall prepare a written record of the participant's non-engagement.
- c. If the Department determines that the participant had good cause for non-engagement, the non-engagement process ends.
- d. If no good cause for the non-engagement exists, the Department will initiate the conciliation process (rule 2326) or for participants ineligible for conciliation, the sanctions process (rule 2327).
 - 1. For Reach Up households that have already received 60 or more countable, cumulative months of benefits at the time the sanctions process has begun, the Reach Up benefits will be terminated.

2325 Determination of Good Cause

- a. The Department shall make a good-faith effort to contact the participant to determine whether there is good cause for their non-engagement.
- b. The Department may require the participant to provide documentation to substantiate their claim of good cause.
- c. The Department will determine whether there was good cause for the participant's non-engagement.
 - 1. The Department will determine that no good cause exists if the participant does not fully cooperate with the Department's attempt to establish good cause.
- d. The Department shall complete the good cause determination within 10 days of becoming aware of the participant's non-engagement.

2326 Good Cause Criteria

- a. Circumstances beyond the control of the participant may constitute good cause for a participant's non-engagement.
- b. Some good cause reasons are job-related (rule 2326.1) and others are FDP-related (rule 2326.2).

2326.1 Job-Related Good Cause

- a. Good cause exists for a participant's non-engagement for refusing, quitting, or being fired from a job including the following situations:
 1. The job was at a wage level below the Vermont minimum wage;
 2. The job involved conditions in violation of applicable health, safety, or workers' compensation regulations or of the Fair Labor Standards Act (FLSA);
 3. The employer discriminated either during the job interview or in the workplace on the basis of age, sex, sexual orientation, color, race, ancestry, national origin, place of birth, religion, or against an individual with a disability.
 - i. Participants alleging discrimination in any of these areas may choose to have their complaints processed through:
 - A. The Vermont Human Rights Commission and the Vermont Attorney General's Public Protection Division as a violation of state law against discrimination; or
 - B. The federal Equal Employment Opportunity Commission as a violation of federal law.
 4. The requirements of the job were contrary to the participant's religious beliefs;
 5. The job offer was available due to a layoff by the employer, strike, lockout, or other bona fide labor dispute;
 6. The participant, after making a good faith effort and informing the employer as soon as reasonably possible, was unable to arrange either:
 - i. Transportation to or from the place of employment; or
 - ii. Appropriate child care essential for the participant's job.
 7. The total daily commuting time to and from the place of employment exceeded two hours, including the time required to take a child to and from child care;
 8. The participant was required to appear in court or incarcerated, and they contacted the employer as soon as reasonably possible;
 9. Domestic violence as outlined in rule 2323.1;
 10. A previously unacknowledged medical condition as outlined in rule 2323.2;
 11. The participant had to attend to their own serious illness or the serious illness of their family member, and the participant notified the employer of the situation as soon as reasonably possible;
 - i. Serious illness in this context is a condition resulting from an accident, disease, or physical or mental condition that meets at least one of the following criteria:
 - A. It poses imminent danger of death;
 - B. It requires inpatient care in a hospital; or
 - C. It requires continuing in-home care under the direction of a physician.
 12. The participant was involved in an unforeseeable emergency, such as fire, flood, or accident and informed the employer as soon as reasonably possible;

13. The participant had to attend to a school emergency involving their child or another child for whom the participant receives Reach Up benefits or foster care payments, and the participant informed the employer of this situation as soon as reasonably possible; or
14. The job did not align with the participant's goals as specified in the FDP.

2326.2 FDP-Related Good Cause

- a. Good cause exists when a participant does not engage in FDP requirements for the following reasons:
 1. The participant, after making a good faith effort and informing the Department or the FDP activity supervisor as soon as reasonably possible, was unable to arrange either:
 - i. Transportation to or from the place of the FDP activity or meeting; or
 - ii. Appropriate child care essential for the participant's FDP requirement;
 2. The total daily commuting time to and from the place of the FDP activity exceeded two hours, including the time required to take a child to and from child care;
 3. Inclement weather prevented the person from participating in the FDP activity or meeting, and the participant contacted the Department or the FDP activity supervisor as soon as reasonably possible to explain the situation;
 4. Attendance at a drug or alcohol treatment program precluded participation in the FDP activity or meeting;
 5. The participant was required to appear in court or incarcerated, and they contacted the Department or the FDP activity supervisor as soon as reasonably possible;
 6. A family emergency requiring the participant's immediate attention, such as the death, illness, or injury of a family member, or the participant's own illness prevented them from engaging in a FDP requirement, and the participant notified the Department or the FDP activity supervisor of the situation as soon as reasonably possible;
 7. Domestic violence as outlined in rule 2323.1;
 8. The participant had to attend a medical appointment and they notified the Department or the FDP activity supervisor of the situation as soon as reasonably possible;
 9. The participant had to go to an interview for an unsubsidized job and they notified the Department or the FDP activity supervisor of the situation as soon as reasonably possible;
 10. The participant was absent from the FDP activity or meeting due to an unforeseeable emergency, such as fire, flood, or accident;
 11. A previously unacknowledged medical condition as outlined in rule 2323.2; or
 12. The participant was called away from the FDP activity or meeting to attend to a school emergency involving their child or another child for whom the participant receives Reach Up benefits or foster care payments, and the participant informed the Department of this situation as soon as reasonably possible.
 13. Any other situation which the Department determines constitutes good cause for a participant's non-engagement with FDP requirements.

2326.3 Absence of Appropriate Child Care

- a. Appropriate child care shall be considered available when either of the following conditions is met:
 - 1. There is an available child care slot with a licensed or registered provider located within five miles of the parent's/caretaker's residence or normal route to employment, FDP activity, or meeting; or
 - 2. The participant/caretaker chooses an approved relative child care (ARCC) provider, who is in legal compliance over a regulated child care provider.
- b. Appropriate child care does not include the following:
 - 1. Child care that Child Development Division (CDD) classifies as an ARCC provider, and that a participant/caretaker determines to be unacceptable; or
 - 2. Child care that CDD classifies as either a registered family child care home or a licensed child care center, and that a participant/caretaker determines to be unacceptable, when such determination is confirmed by CDD.
- c. If the only available child care is with an ARCC provider, the participant/caretaker is not required to use it.

2327 Conciliation

- a. Conciliation is when the Department provides a participant an opportunity to re-engage with Reach Up services requirements prior to being sanctioned or terminated from the program.
- b. The Department shall initiate conciliation when the Department has determined that the participant's de facto or overt refusal to engage in Reach Up services requirements was without good cause (rule 2323.1).
- c. The conciliation process is available to households that have received 60 or more months of countable, cumulative benefits.

2327.1 Conciliation Process

- a. When the conditions for conciliation exist, the Department shall mail a notice scheduling a conciliation meeting to the participant within 10 days of the date the Department became aware of the non-engagement.
- b. The Department should schedule the meeting no sooner than the fourth workday after the date the notice is mailed.
- c. A participant may waive advance notice of the conciliation meeting by signing a waiver of notice.
- d. The notice of the conciliation meeting must include the following:
 - 1. The reason for the determination of non-engagement without good cause;

2. The steps in the conciliation process;
 3. The right to have a representative present at the conciliation meeting; and
 4. The actions to be taken if conciliation is unsuccessful.
- e. Participants may conciliate disputes for each instance of non-engagement.
1. Any subsequent non-engagement without good cause during the conciliation process will result in the immediate initiation of the sanctions process or termination of benefits without an opportunity for additional conciliation.
- f. Any time a participant makes a claim of good cause the Department must make a determination of whether documentation of such good cause is required.
1. The participant will have 10 days to provide good cause documentation after the Department's request.
 2. When the participant is unable to obtain required documentation, the Department shall provide assistance, if possible.
- g. When it is determined, at any time during a conciliation process, that the participant had good cause for non-engagement, including qualifying for a deferment of requirements that relates to the non-engagement, conciliation will end.
1. Under these circumstances, there will be no conciliation resolution plan.

2327.2 Conciliation Resolution Period

- a. The conciliation resolution period begins on the date of the first scheduled conciliation meeting and lasts for no more than 15 consecutive calendar days.
- b. The conciliation resolution period is the time frame when the Department and the participant meet and discuss how the participant may engage in Reach Up services requirements, including a review of all applicable good cause and deferment criteria.
- c. The product of the conciliation meeting is a conciliation resolution plan, which describes what the participant must do to achieve satisfactory participation and the time frames involved.
 1. The Department and participant will revise the FDP in accordance with the conciliation resolution plan.
- d. The Department shall advise the participant of their right to terminate the conciliation process at any time, which will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process or termination of benefits.

2327.3 Successful Conciliation Resolution

- a. Conciliation is considered successfully resolved when the participant demonstrates engagement with the activities outlined in the conciliation resolution plan and the revised FDP.
- b. Engagement must begin within five calendar days of the date the conciliation resolution plan is signed and continues for a period of two weeks to three months, as specified by the Department in

the conciliation resolution plan.

2327.4 Unsuccessful Conciliation Resolution

- a. The conciliation process shall be determined unsuccessful when the participant:
 - 1. Without good cause, does not respond to a scheduled conciliation meeting;
 - 2. Exhibits a pattern of behavior where refusal to participate can be reasonably inferred;
 - 3. Without good cause, does not participate in activities outlined in the conciliation resolution plan and the revised FDP for the required time period; or
 - 4. Voluntarily terminates the conciliation process before a successful resolution has been reached.
- b. When the Department determines that the conciliation resolution has been unsuccessful, they shall review the conciliation process and the basis for the determination, prior to initiation of the sanctions process or terminating benefits.
- c. The participant may request a fair hearing during the conciliation process.

2328 Sanctions for Non-Engagement

- a. If a participant, including a minor parent, does not engage with Reach Up services requirements, the Department shall impose a fiscal sanction by reducing the benefits of the sanctioned household (rule 2327.3).
 - 1. The sanction process is not available to a household that received 60 or more countable, cumulative months of benefits (Reach Up Eligibility rule 2228.1).
- b. A sanction is only imposed if conciliation (rule 2326) is unsuccessful or not available.
- c. Once a fiscal sanction has been imposed, the sanctioned participant demonstrating engagement with services requirements may cure the sanction and have the full benefit amount restored (rule 2324).
- d. The participant, who engages with Reach Up services requirements for 12 consecutive months following fiscal sanctions will have the past sanctions forgiven (rule 2325).
- e. When the Department determines, at any time during the sanctions process, that the sanctioned participant had good cause for the non-engagement, the sanctions shall end and any associated months shall not be counted as a month of sanction.

2328.1 Independent Review and Notice

- a. Before a fiscal sanction is imposed, the department shall review the basis for the sanction, which shall include:
 - 1. Consideration of the sanctioned participant's circumstances;
 - 2. Possible good cause reasons for the non-engagement;
 - 3. The basis for the initial determination of non-engagement; and

4. The Department's compliance with the conciliation process.
- b. The sanction process begins with a written notice to the participant at least 10 days before the sanction is scheduled to begin.
 1. This notice explains the action being taken, the reason for the action, and the participant's right to appeal the decision.
- c. If the participant requests a fair hearing before the sanction is applied to the Reach Up benefit, the sanction will not be applied while the appeal is pending (rule 2330).

2328.2 Required Sanctions Meeting

- a. To receive any Reach Up benefit while sanctioned, including vendor rent payments, a participant is required to attend a sanction meeting at least once per month and participate in assessments.
- b. This meeting may take place in a location that facilitates the FDP goals.
- c. A sanctioned participant's unexcused absence from the required meeting may result in termination of the Reach Up household's benefits.
- d. The purpose of the meeting is to reassess, review and revise the FDP as appropriate and encourage the participant to cure the sanction.
- e. The meeting with the case manager shall take place by the 16th of each month or the Reach Up benefits terminate and that month's benefit is forfeited.
 1. In any given month, the case manager may waive the meeting requirement if, in their judgment, severe illness, death in the family, or other equally compelling reasons warrant an exception.
 2. A participant is encouraged to notify the case manager if unable to attend as scheduled, on or before the date of a meeting.
 - i. The case manager shall reschedule the meeting to be held no later than the 16th of the month.
- f. If the sanctioned participant attends a meeting after the 16th but before the end of a month, benefits for the following month are reinstated at the appropriate sanctioned level.
 1. If the participant demonstrates good cause for not attending the meeting by the 16th, the Department will issue the current month's benefit.

2328.3 Sanction Amounts

- a. The sanction amount is based upon the cumulative number of months the participant has been sanctioned, even if the months are not consecutive.
- b. For the first, second, and third cumulative months in which a participant is sanctioned, the Reach Up household benefit shall be reduced by the amount of \$75.00 for each participant subject to a fiscal sanction.

- c. For the fourth cumulative month, and any subsequent month in which a participant is sanctioned, the Reach Up household benefit shall be reduced by the amount of \$150.00 for each participant subject to a fiscal sanction.
- d. When a Reach Up benefit terminates because the amount of the sanction equals or exceeds the benefit amount, that month shall be counted as a month of sanction.
- e. When a Reach Up benefit terminates because a participant does not attend their required sanction meeting (rule 2327.2), the month the benefits are forfeited shall be counted as a month of sanction.

2328.4 Housing Protection Limitation

- a. During the first six cumulative months of sanction, the amount of the sanction may be limited to protect the household's ability to pay its housing costs.
 - 1. The Department shall consider the household's other countable income available for payment of housing costs.
 - 2. The amount of housing costs protected under this provision equals either the household's actual incurred housing costs or the applicable maximum housing allowance (Reach Up Eligibility rule 2246), whichever is less, minus the household's other countable income.
 - 3. The amount of the special housing needs allowance (Reach Up Eligibility rule 2244.3) is not included in the determination of the amount of allowable protected housing costs.
- b. If the household's monthly benefit, after the imposition of the full sanction amount, equals or exceeds its protected housing costs, the benefit shall be reduced by the full sanction amount.
- c. If the household's protected housing costs are more than this reduced benefit amount, the amount of the sanction shall equal either the household's benefit minus its protected housing costs, or zero, whichever is more.
 - 1. Any month when the sanction is zero shall count as a month of sanction.
- d. After the first six cumulative months of sanction, the Department shall reduce the household's benefit without consideration of the housing protection limitation.
 - 1. If the sanction amount exceeds the benefit amount, the benefits terminate.
- e. A household that has exhausted its six-month housing protection limitation may be eligible for another six-month housing protection period.
 - 1. To qualify for another housing protection period, the household must have a period of 36 months without sanction for non-engagement with Reach Up services requirements following the initial housing protection period.
 - 2. Each of the 36 months must be a month during which the household is not receiving Reach Up benefits or a month during which the household is participating in Reach Up without sanction.

2328.5 Vendor Payment of Housing Costs

- a. When a Reach Up household has a fiscal sanction implemented, the Department shall provide housing expenses by vendor payment, paying as much of the incurred housing costs from the

amount of the sanctioned benefit.

- b. If there is any balance remaining after the housing costs are deducted, the remaining amount shall be paid to the household in two payments.
 - 1. Sixty percent of any remaining benefit shall be paid within the first half of the calendar month and forty percent on the second half of the month.

2329 Curing Sanctions

- a. Under specific circumstances, current sanctions may be cured.
- b. Curing the sanctions means that the sanctioned participant is engaging in Reach Up services requirements and sanctions are no longer imposed.

2329.1 Notice to Cure Sanctions

- a. When sanctions are imposed, the Department shall immediately provide written notice to participants of their ability to cure the sanctions by participating in required activities for two weeks.
- b. When a sanctioned participant meets with the case manager, they shall remind the participant of the option to cure the sanctions.

2329.2 Process to Cure Sanctions

- a. To cure the sanctions, the participant must engage in all FDP requirements for two consecutive weeks.
- b. The Department shall restore benefits when:
 - 1. At least one month of sanctions has been applied to the household's benefits;
 - 2. The participant completes the two-week period of engagement; and
 - 3. The participant remains engaged.
- c. Participants may cure their sanction if they have a break in Reach Up benefits of at least one full calendar month.
 - 1. A month in which a participant forfeits benefits due to not meeting with the case manager does not count as a break in Reach Up benefits.
- d. Households that receive notice of a sanction, but whose benefits are then terminated before the sanction amount is applied to the benefit will have that month count as a month of sanction.
 - 1. In such cases, if the household resumes participation in Reach Up after not receiving benefits for a full calendar month, the Department shall:
 - i. Treat that past sanction as cured; and
 - ii. Consider that past sanction in any future determinations of sanction amounts or forgiveness of past sanctions.

2330 Forgiveness of Past Sanctions

- a. Eliminating past sanctions is referred to as forgiving the sanctions.
- b. Under limited circumstances, past sanctions may be forgiven, and the Department will no longer consider them in determining the amount and effect of future sanctions.
- c. The forgiveness of past sanctions is only available during the first 60 months a household receives Reach Up benefits.
- d. To have prior sanctions forgiven, a sanctioned participant must demonstrate 12 consecutive months of engaging in Reach Up services requirements.
- e. Subsequent acts of non-engagement by the participant, who has completed a successful 12-month sanctions forgiveness period, shall be calculated without consideration of their prior forgiven sanctions.

2331 Notice and Appeal of Reach Up Services Decisions

- a. Reach Up applicants/participants have a right to notice (rule 2330.1) and appeal of actions the Department takes on their case or required actions the Department fails to take (rule 2330.2).
- b. The Department shall provide notice to all applicants/participants of their right to appeal to the Human Services Board for a fair hearing concerning the Department's actions or inactions and shall provide them with notice of their rights and the procedures applicable to such appeals.

2331.1 Notice of Appeal Rights

- a. The Department shall provide all Reach Up applicants/participants with written notice of their appeal rights at the time of their application and each time they receive notice of any Department adverse action or decision.
 - 1. Department adverse actions are decisions that may deny, modify, or terminate a Reach Up applicant's/participant's benefits.
- b. The written notice shall include:
 - 1. The reasons for the adverse action or decision;
 - 2. How appeals may be initiated;
 - 3. Where a person may obtain a copy of the Human Services Board rules;
 - 4. Where to obtain legal assistance, if needed; and
 - 5. How to obtain interpretation services, if needed.

2331.2 Grounds for Appeal of Reach Up Services Decision

- a. Generally, an applicant/participant that disagrees with the Department may appeal the following actions or inaction by the Department:
 - 1. Denial of their claim for Reach Up benefits or services;

2. Failure to act with reasonable promptness;
 3. Actions that affect the applicant's/participant's receipt of benefits or services, including sanctions;
 4. Implementation of Department policy, or lack thereof, that affects the applicant's/participant's situation; and
 5. Required provisions included in the FDP.
- b. Appeals related to Reach Up eligibility decisions are covered in rule 2262.

2331.3 Appeal of Reach Up Services Decision

- a. A request for a fair hearing on an applicant's/participant's appeal of a Department decision must be made within 90 days of the mailing date of the notice of decision.
- b. Except where indicated below, benefits continue without change if a participant requests a fair hearing before the effective date of the decision and wishes to have benefits continue during the appeal process.
 1. A participant may request that the adverse action be implemented pending the outcome of the fair hearing.
- c. If the effective date of the decision is on a weekend or holiday, a participant has until the end of the first working day immediately following the effective date of the decision to appeal the decision and receive continuing benefits.
- d. If a participant is sanctioned for not engaging in the Reach Up services requirements, receive a notice of termination, and request a fair hearing before the effective date of the sanction related termination, benefits for the month must be reinstated at the participant's request to the current month's level, pending the outcome of the fair hearing.
 1. Assistance for subsequent months is dependent on cooperating with the sanctions process (rule 2327).
- e. If benefits continue at the same level and the Human Services Board decision is favorable to the Department, then any overpayment received by a participant pending the fair hearing will be subject to recoupment (rule 2219).
- f. If a participant requests that benefits not be continued at the present level and the Human Services Board decision is favorable to the participant, the Department must retroactively pay any underpayments to the participant.
- g. If a participant withdraws from the fair hearing process prior to the fair hearing, the Department will seek recoupment of any overpayment received by the participant because of the fair hearing request.
- h. Benefits do not continue without change in the following circumstances:
 1. The sole issue is one of state or federal law or policy, or change in state or federal law;
 2. The participant requests not to receive continued benefits pending the fair hearing;

3. An unrelated change affecting the benefits occurs while the fair hearing decision is pending, the change is processed, and the participant does not request a fair hearing after notice of that change; or
 4. The request for a fair hearing is made within the 90-day appeal period but not within the time period that allows benefits to continue pending appeal.
- i. See rule 2262.4 related to continuation of benefits during a pending fair hearing related to protective payments.

2332 Reach Up Funding Sources

- a. Reach Up is funded by:
1. Federal Temporary Assistance for Needy Families (TANF) block grant funds; and
 2. State maintenance-of-effort (MOE) funds.
 - i. Separate state programs (SSP) and segregated funds components are funded with state MOE.
- b. Reach Up households whose benefits are funded, in part or in full, with TANF or MOE funds, are included in the calculation of the federal TANF work participation rate (WPR) for Vermont.
1. A specified percentage of these households must be meeting the federal TANF WPR through work activities.
 - i. The following households are excluded from the federal TANF WPR calculation:
 - A. Households with no eligible adults;
 - B. Households in which at least one adult is sanctioned for non-engagement with Reach Up requirements and has been sanctioned fewer than four of the past twelve months; or
 - C. Households in which a single custodial parent is caring for a child younger than 12 months.
 2. Benefits received during these months count toward the 60-month limit on federal TANF benefits.
- c. Reach Up also includes solely state-funded (SSF) programs that are funded with State funds and are not counted toward the State's MOE requirement.
1. Reach Up households whose benefits are from SSF programs are not included in the calculation of the federal TANF WPR for Vermont.
- d. Reach Up households are categorized by funding status one day before the 60% benefit issuance runs, issuing benefits for the future month.
1. The households who are meeting the federal TANF WPR are categorized as TANF funded or SSP

funded.

2. The rest of the households are determined as not meeting the WPR and up to 3500 (this number can be adjusted, if necessary) are categorized as SSF.
3. After that day if it turns out that a household is determined to be meeting the federal TANF WPR, the household's funding is then changed to SSP.

2332.1 TANF Exemption from 60-Month Limit

- a. Vermont may exempt some Reach Up households funded by TANF and TANF-MOE from the 60-month limit on federal TANF benefits due to hardship.
- b. The maximum number of households the Department may exempt from the 60-month limit due to hardship, called the hardship exemption maximum, is 20 percent of the average monthly number of households receiving Reach Up benefits during the previous federal fiscal year.
 1. If the number of households meeting the hardship exemption criteria does not exceed the maximum, all households meeting the criteria qualify for a hardship exemption.
 2. If the number of qualifying households exceeds the maximum for whom federal TANF funding is allowed, some may be assigned to a component funded with SSP-MOE or an SSF program.
 3. If the number of households meeting the hardship exemption criteria exceeds the maximum and households will be assigned to an SSF program, the Department selects households qualifying for the exemption according to rule 2334.
- c. Reach Up households may qualify for a hardship exemption if they meet these criteria:
 1. At least one member has received 60 or more months of federal TANF benefits as an adult; and
 2. The household is fully engaging in Reach Up requirements, regardless of whether those requirements are deferred.

2333 Solely State-Funded Programs

- a. The Reach Up solely state-funded (SSF) programs are:
 1. The Postsecondary Education Program (PSE);
 2. The Young Child Deferment Component (rule 2333.1) of the Reach Up Program;
 3. The Sanctioned Minor Parent Component (rule 2333.2) of the Reach Up Program; and
 4. The Additional Support Component (rule 2333.3) of the Reach Up Program.
- b. The Department determines eligibility and benefits levels for PSE applicants/participants according to Reach Up rules and the PSE rules in 2400-2427.
- c. The Department determines eligibility and benefit levels for SSF programs, other than PSE, according to the Reach Up and Reach Up Services rules in 2200-2341.

2333.1 Young Child Deferment Component

- a. Reach Up households assigned to the young child deferment component must include a parent ineligible for a federal exemption from the TANF WPR calculation, who is caring for a child younger than two years of age.

2333.2 Sanctioned Minor Parent Component

- a. Reach Up households assigned to the sanctioned minor parent component must include a minor parent sanctioned (rule 2319) for one of the following:
 - 1. Residence in an unapproved living arrangement; or
 - 2. Non-engagement in the minor parent requirements.

2333.3 Additional Support Component

- a. Reach Up households assigned to the additional support component must:
 - 1. Include at least one member, who is ineligible for federal TANF benefits due to receipt of 60 or more months of such benefits as an adult and have not been selected for a hardship exemption (rule 2332.1); or
 - 2. Not be meeting their federal TANF WPR requirement.
- b. Assignment of households to this component because they are not meeting their federal TANF WPR requirement, is limited by the number of households whose assignment is required to meet federal TANF WPR targets plus 1 percent (rule 2334).

2334 Solely State-Funded Assignment Rules

- a. Within the limitations specified in rules 2332.1 - 2333, the Department shall assign households according to the following rules and in the following order:
 - 1. The young child deferment component (rule 2333.1) and the sanctioned minor parent component (rule 2333.2).
 - 2. The additional support component (rule 2333.3), if they do not meet the criteria for the hardship exemption (rule 2332.1).
 - 3. The additional support component (rule 2333.3) or a SSP (rule 2335) one-by-one until the number of remaining households meeting the hardship exemption criteria is equal to or less than the hardship exemption maximum, assigning households with the smallest benefit first, if the number of households meeting the hardship exemption criteria exceeds the hardship exemption maximum (rule 2332.1).
 - i. Households qualifying for both the additional support component and a SSP shall be assigned to a SSP.
 - 4. If Vermont's average two-parent WPR for the current federal fiscal year to-date, including the month for which assignments are being made, is less than the federal target rate plus 1 percent, the Department shall assign households with two able-to-work adults, who are not meeting

their federal TANF WPR requirement for either rate to the additional support component (rule 2333.3) one-by-one until the target rate plus 1 percent is met, assigning households in order of their benefit size with the smallest benefit first.

5. If Vermont's average all-families WPR for the current federal fiscal year to-date, including the month for which assignments are being made, is less than the federal target rate plus 1 percent, the Department shall assign households not meeting their federal TANF WPR requirement to the additional support component (rule 2333.3) one-by-one until the target rate plus 1 percent is met, assigning households in order of their benefit size with the smallest benefit first.
6. If, after the Department has adequately funded its SSF programs, funds claimed for the MOE remain available for SSP, other than programs with their own specified appropriation, the Department shall assign qualifying households to an SSP one-by-one until the MOE funds are exhausted or there are no more qualifying households, assigning households with the smallest benefit first.

2335 Separate State Programs

- a. The Department determines eligibility and benefit levels for a SSP according to the Reach Up and Reach Up Services rules.
- b. Reach Up households assigned to a SSP must be meeting their federal TANF WPR requirement.
- c. Assignment of households to a SSP is limited to availability of MOE funds.

2336 Child Support Distribution of SSF and SSP Households

- a. The Department will distribute the child support collected on behalf of SSF and SSP funded Reach Up households as it does for TANF-funded Reach Up households whenever administratively feasible and in accordance with rule 2250.
- b. Any variation from the distribution of child support for TANF households shall be to the advantage of the SSF or SSP household.

2337 Severability

- a. If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.