

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

Initial
MG

BULLETIN NO.: 23-34

FROM: Miranda Gray, Deputy Commissioner
Economic Services Division

DATE: 07/22/24

SUBJECT: Postsecondary Education Rules

CHANGES ADOPTED EFFECTIVE 08/01/2024

STATUS

Proposed Rule
 Final Proposed Rule
 Adopted Rule

RULE REFERENCE(S):

2400-2492

Summary of Proposed Rule

The Postsecondary Education (PSE) program provides financial assistance, case management, and support services to assist parents in eligible low-income families to obtain two- or four-year postsecondary undergraduate degrees. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). The proposed rule also includes amendments to align with changes to the PSE program made by Act 133 of 2022, such as updating the definition of “dependent child,” allowing two parents to participate in the PSE program at the same time, and replacing references to the Reach Up work requirement with federal work requirement.

Specific Changes to Rule Sections

Former Section	New Section	Explanation
2400	2400	Postsecondary Education – amended language regarding use of MOE funds to refer to federal work requirement and work activities to align with Act 133
2401	2401	Definitions – deleted definitions of able-to-work, able-to-work-part time and unable-to-work as no longer applicable under Act 133; removed requirement that college be located in Vermont or 75 miles from border from definition of “approved college;” updated definition of “dependent child”

		to align with Act 133; updated definition of “parent” to align with Vermont Parentage Act and RU eligibility rules
2402		Americans with Disabilities Act –deleted in its entirety because these provisions are already addressed in federal and state law
2410	2402	Eligibility Process – combined into one rule; language from former rule 2410(c) was moved to rule 2410; language about
	2410	Case Management Eligibility – language from former rule 2410(c) was moved to this rule
2411	2411	Continuing Eligibility – removed duplicative language regarding continuing eligibility for case management services addressed in rule 2410; reworded criteria for continuing eligibility for clarity; removed language regarding nonparticipant parent to align with Act 133
2420	2403	Application - deleted obsolete language regarding initial entry into PSE program and submission of supporting documentation
2421		Application Periods - deleted in its entirety as obsolete
2422	2404	Financial Eligibility - language from former rule 2410 regarding 60-month time limit was moved into this section; sections B and C from former rule 2428 were moved into this rule
	2404.1	Financial Eligibility Determinations – language from former rule 2410 was moved into this rule
2423	2405	Non-Financial Eligibility - language from former rule 2410(D) was moved into this rule; removed language prohibiting second parent from participating in PSE and non-participant parent requirements to align with Act 133
2424	2405.1	PSE Skills Assessment - no substantive changes
2425		Non-Participating Parents Unable-to-Work – deleted in its entirety to align with Act 133
2426	2405.2	Preexisting Undergraduate Degrees - no substantive changes

2427	2406	Development of a PSE Plan – content of this rule was combined with content in former rule 2451; language about notice was moved to 2415, language from rule 2542 regarding fields of study was moved into this rule
2428		Conditions for Participation – this rule was deleted; language from sections B and C was moved to rule 2404; language from section A, D, and E was moved to rule 2405
2429	2413	Notice of Decision – incorporated language about notice from former rule 2427 and 2485 into this rule
2430	2408	Prioritizing PSE Applicants – no substantive changes
2450	2406.2	Obtaining Approval of PSE Plan – removed obsolete references to PSE plan review committee
2451		PSE Plan Requirements – content of this rule was moved to rule 2406, language about degree completion was moved to rule 2406.1
2452		Fields of Study/Majors - content of this rule was moved to rule 2406
2453	2418	Change in Occupation, Major, Degree, or College – no substantive changes
2454	2419	Change in PSE Degree Completion Requirement – no substantive changes
2460	2409	Financial Benefits – no substantive changes
2461	2417	Support Services – replaced examples of support services with reference to the support service matrix
2462	2407	Pre-Participation Services – no substantive changes
2470	2414	Case Management – no substantive changes
2471	2415	Availability of Case Management – no substantive changes
2472	2416	Case Management Services – removed language regarding notice and appeal already covered in rule 2425; incorporated content from former rule 2472 into this rule
2473		Other Services – content of this rule was moved to rule 2416
2474	2421	Case Management During Leaves of Absence – no substantive changes
2475		Conflict of Interest – this rule has been supplanted by the ESD conflict of interest policy
2480	2412	Annual Review – language regarding timing of the annual review will be addressed in procedure; incorporated language from former rule 2485 outlining actions that must be accomplished to finalize the annual review
2481		Documentation – this rule was deleted as requirements addressed in other rules
2482		Review of PSE Plan – this rule was deleted as duplicative of requirements addressed in other rules
2483		Conditions for Continuing Participation – this rule was deleted as duplicative of requirements addressed in other rules

2484		Non-Participating Parents Unable-to-Work – deleted to align with Act 133
2485		Notice of Decision – content of this rule was moved to rule 2412
2486	2420	Leaves of Absence – no substantive changes
2487	2424	Readmission after Withdrawal from the PSE Program – no substantive changes
2488	2422	Financial Benefits and Support Services during Leaves of Absence – no substantive changes
2490	2406.1	PSE Degree Completion Requirements – content from former rule 2452 addressing degree completion was moved to this rule
2491	2423	Termination from the PSE Program – language regarding assignment of support rights was moved to rule 2404
2492	2425	Notice of Appeal Rights – changed mailing timeframe from 5 to 10 days to align with current practice for all ESD programs
	2426	Severability – new rule addressing severability
2150	2119	Referral and Transition to Reach Up or PSE – eliminated language regarding transition to Reach Ahead as Reach First participants are not eligible to be transitioned to Reach Ahead; updated language regarding Transition Medical Assistance to align with Medicaid rules
2160	2120	Notice and Appeal – no substantive changes
	2121	Severability – new rule addressing severability

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.

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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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2400 Postsecondary Education (PSE)

- a. The postsecondary education (PSE) program is a solely state-funded (SSF) program to assist parents in eligible households to obtain two- or four-year postsecondary undergraduate degrees.
- b. The PSE program provides financial assistance, case management, and support services.
- c. Eligibility is based on financial and non-financial criteria (rules 2406 and 2407).
- d. The PSE program is not an entitlement program because participation for eligible applicants is limited to the availability of program funds.
 1. If program funds are insufficient to serve all eligible applicants, prioritization for admission to the PSE program will be governed by rule 2408.
- e. The Department may fund certain household's PSE financial assistance with state funds claimed as Temporary Assistance for Needy Families (TANF) Maintenance of Effort (MOE) when such funding conforms to federal TANF law and the household is meeting the applicable federal work requirement with hours in postsecondary education or other federal work activity.

2401 Definitions

- a. The following definitions apply to the PSE program rules:
 1. "Applicant" means a parent, who is applying for admission to the PSE program.
 2. "Approved College" includes the term "college" and means any institution of higher education offering two-year or four-year postsecondary education degrees with priority given to those that are not for profit, including:
 - i. Those certified by the State Board of Education as provided in 16 V. S. A. §176 - 176a;
 - ii. Those accredited by the New England Association of Schools and Colleges or a comparable accrediting agency;
 - iii. Those accredited by the Vermont State Board of Nursing as provided in 26 V. S. A. §1573-1574 and 1581;
 - iv. Any legally authorized technical school, not including regional technical centers, that admits students, who have completed the twelfth grade or its equivalent and are accredited by:
 - A. A nationally recognized accrediting agency or association;
 - B. A state accrediting agency or association listed by the United States secretary of education pursuant to 20 U.S.C. §1085(c)(4) (P.L. 89-329); or
 - C. Any other means of accreditation approved by the state board.
 3. "Department" means the Vermont Department for Children and Families (DCF).
 4. "Dependent child" means a child who is a Vermont resident, and:
 - i. Is under the age of 18 years; or

- ii. Is 18 years of age or older and a full-time student in a secondary school or attending an equivalent level of vocational or technical training and is reasonably expected to complete the educational program before reaching the age of 22 or is not expected to complete the educational program before reaching age 22 solely due to a documented disability.
- 5. "Family" means one or more dependent children living with one or both parents of such children.
- 6. "Field directly related to employment" means a field of study where employers are most likely to seek PSE graduates to fill positions in the occupation specified in the participant's PSE plan.
 - i. Employers in this context refer to entities that employ individuals in the PSE participant's occupation at sites located in the labor market area where they plan to seek employment.
- 7. "Full-time" means forty (40) hours of work per week or a position requiring no fewer than thirty-five (35) hours of work per week that the employer defines as full-time.
- 8. "Labor Market Area" means the geographic area used by the Vermont Department of Labor, or the comparable agency in another state, if the PSE participant intends to seek employment out-of-state.
- 9. "Making Progress Toward a Degree" means an academic record of the PSE participant, during their participation in the program, that demonstrates the likelihood they will be able to:
 - i. Satisfactorily complete the college's general requirements for attainment of a two-year or four-year postsecondary undergraduate degree and the specific requirements for completion of the field of study specified in the PSE plan; and
 - ii. Complete these requirements within the schedule in the PSE plan for completion of the degree, taking into consideration extensions approved in accordance with rule 2421.
- 10. "Matriculating or Matriculated Student" means:
 - i. A PSE applicant, who is attending or has been accepted and registered for classes at a two-year or four-year postsecondary undergraduate degree program; or
 - ii. A PSE applicant, who plans to attend the Community College of Vermont (CCV) and has completed the CCV application and the federal financial aid application and:
 - A. Provided prior transcript with college level course success;
 - B. Provided documentation of the College Readiness Assessment with no requirement to take basic skills courses; or
 - C. Provided documentation of the successful completion of basic skills courses.
- 11. "Occupation" means a specific job title or cluster of related job titles, as listed in the *Dictionary of Occupational Titles*, the *Occupational Information Network*, the *Occupational Outlook Handbook*, or other relevant employment-related services or publications.
- 12. "Parent" means the same as in 15C V.S.A. § 102(16) or a stepparent, who resides in the same household with a dependent child no less than 50 percent of the time in accordance with a shared custody agreement or order, pursuant to Reach Up Eligibility rule 2224.

- i. This term includes individuals who have entered into civil unions.
 - ii. This term does not include a pregnant person or caretaker relatives.
13. "PSE Household" means a family with a PSE participant.
14. "PSE Participant" means a parent who is receiving financial assistance, case management or support services through the PSE program in a PSE household.
15. "Postsecondary education (PSE)" means courses taken at an approved college by a matriculated or matriculating student.
16. "Satisfactory Academic Standing" means achieving the requirements determined by the academic policies of the college the PSE participant is attending.

2402 Eligibility Process

- a. The eligibility process for PSE consists of the following steps an applicant takes to request benefits and the Department follows to determine eligibility and payments:
- 1. An application is needed to determine whether the applicant meets the financial and non-financial eligibility requirements for the PSE program, which includes:
 - i. Verification of necessary information related to eligibility conditions; and
 - ii. An interview to clarify information provided on the application, review of the rights and responsibilities of PSE participants and the Department, and an explanation of available case management services.
 - 2. Agreement by all applicants to certain non-financial eligibility requirements that are specific to the PSE program;
 - 3. Pre-PSE participation services may be provided to the PSE applicant, which include consultation with a case manager, assistance with the application and development of the PSE plan (rule 2406).
 - 4. Department approval of the PSE plan;
 - 5. Determination of initial or continuing financial and case management eligibility and the amount of PSE benefits;
 - 6. Written notice to applicants and participants of eligibility decisions;
 - 7. Authorization and payment of benefits for which applicants and participants are found eligible; and
 - 8. Case manager assignment by the Department.

2403 Application

- a. A signed PSE application is required to request PSE financial assistance and services.

- b. Such application may be obtained online or by calling, writing, or visiting any of the Department's offices.
- c. Assistance in completing all parts of the application shall be available through Department district offices, pursuant to rule 2407.

2404 Financial Eligibility

- a. To proceed with the application process, the Department must first determine that the applicant meets the requirements for financial eligibility for the PSE program.
- b. The applicant shall complete a financial eligibility application, including provision of documentation to support a determination of financial eligibility.
- c. Applicants for PSE benefits must meet the same financial eligibility qualifications as Reach Up applicants according to Reach Up Eligibility rules.
 - 1. The 60-month time limit (Reach Up Eligibility rule 2234) does not apply to PSE recipients.
- d. PSE benefits shall be accepted in lieu of Reach Up benefits, if the PSE participant is eligible for Reach Up benefits.
 - 1. PSE participants currently receiving Reach Up benefits through vendor payments, due to difficulty in money management (Reach Up Eligibility rule 2220.1), must consent to continued vendor payments until such time as the household's essential expenses are current.
- e. PSE participants who receive PSE benefits shall assign all child support rights to the Department.
 - 1. The PSE participant shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support.
 - 2. The Department shall deny or terminate benefits to PSE participants who fail or refuse to apply for services from OCS.
 - 3. Noncooperation with OCS shall result in a 25% reduction of the PSE household's benefit (Reach Up Eligibility rule 2232.2).

2404.1 Financial Eligibility Determination

- a. Applicants shall demonstrate financial eligibility for the thirty-day period preceding the date of application.
- b. Gross income shall be the basis for determining financial eligibility for the PSE program.
- c. Verification of income shall be provided in accordance with Reach Up Eligibility rules 2208.3.
- d. The household's gross income minus the PSE participant's earnings shall not exceed 150 percent of the federal poverty level for the applicant's household size.
- e. Income shall be determined using Reach Up Eligibility rules 2248 - 2249.

2405 Non-Financial Eligibility

- a. All financially eligible households that apply to participate in the postsecondary education program must meet the following non-financial eligibility conditions:
 1. The applicant does not have a postsecondary undergraduate degree or, if the applicant already has a pre-existing postsecondary undergraduate degree, must meet the criteria in rule 2405.2.
 2. The applicant is a matriculating or matriculated student in a two-year or four-year postsecondary undergraduate degree program or a CCV applicant and provides the required documentation in rule 2401(09).
 3. Applicants who have applied to but have not yet been admitted to a postsecondary undergraduate degree program shall not be eligible for the PSE program until they provide documentation of admission.
 4. The applicant has been determined eligible for financial assistance from Vermont Student Assistance Corporation (VSAC), provides documentation of this eligibility, and can demonstrate the ability to cover tuition costs.
 5. The applicant agrees to limit employment to no more than 20 hours per week when school is in session.
 - i. At the PSE participant's request, an exception to the 20-hour limitation may be granted when the case manager has determined that both of the following requirements are met:
 - A. The increase in hours will not delay the student's progress or timeframe in obtaining the degree; and
 - B. The additional hours of employment are in a position that either will result in credits toward the PSE participant's degree or enhance their marketability in the field or their course of study.
 - C. This 20-hour limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, periods in which the PSE participant has been granted an exception, or any other term in which they are not taking any courses.
 6. Applicants/participants are not permitted additional hours of employment when school is in session if they are providing care in the following special situations:
 - i. Single-parent applicants/participants shall be considered to be employed 20 hours per week when they are providing:
 - A. Specialized foster care;
 - B. Professional parenting, or the equivalent to children in the custody of the

Department; or

- C. Professional parenting, or the equivalent to children not in the Department's custody but placed in foster care by a licensed child placement agency and receiving additional compensation for those services.
 - ii. An applicant/participant, who is the contracted developmental home provider for an individual placed by the Department of Disabilities, Aging, and Independent Living (DAIL) or a developmental or mental health services agency under contract with DAIL, shall be considered to be employed 20 hours per week.
- 7. The applicant and the applicant's household are Vermont residents (Reach Up Eligibility rule 2229).
- 8. The PSE participant continues to reside with and have physical custody of a dependent child.
- 9. If the applicant already is engaged in a two-year or four-year postsecondary undergraduate degree program at the time of application, the applicant is in good academic standing and provides documentation.
- 10. During the last year of the degree program, the PSE participant shall seek employment using the services of the college's career placement office or if no placement office exists, the PSE participant shall seek employment using the services of the Department of Labor's local career resource center.

2405.1 PSE Skills Assessment

- a. As part of the application process, the Department shall assess the applicant's basic skills in reading, writing, and mathematics to evaluate their ability to participate successfully in the PSE program.
- b. Such skills assessment may be waived when the applicant's record contains sufficient information to make this evaluation without the assessment, including the following:
 - 1. High school transcript;
 - 2. Rank in high school class;
 - 3. GED transcript;
 - 4. Responsibilities of jobs held;
 - 5. Responsibilities of volunteer work performed;
 - 6. Recommendations of teachers or employers; or
 - 7. Scores from standardized tests.
- c. If the skills assessment indicates that the applicant does not have the basic skills necessary to participate successfully in the PSE program, the applicant shall not be eligible for the PSE program.
- d. Applicants who do not have the basic skills necessary to participate successfully in the PSE program shall be referred, as appropriate, to Reach Up or VSAC for support for basic skills courses.

2405.2 Pre-Existing Undergraduate Degrees

- a. Applicants are not eligible for the PSE program if they already have a postsecondary undergraduate degree unless they meet one of the following exceptions:
 1. If the applicant states that they are unable to perform the occupation for the pre-existing undergraduate degree because of a disability, the applicant shall submit medical evidence of the disability and evidence of its effect on their ability to perform the occupation.
 - i. The Department may request the services of a consultant if it is unable to make a determination based on the documentation provided by the applicant.
 2. If the applicant states that the occupation for the pre-existing undergraduate degree is obsolete or outdated and not marketable in the current labor market, the Department shall make a determination including consideration of the following factors:
 - i. Current licensing requirements for a particular occupation cannot be met by the applicant's previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program; or
 - ii. A person currently pursuing the same occupational goal would be required to complete substantially different requirements from those included in the previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program.

2406 Development of a PSE Plan

- a. Each PSE plan shall include the following:
 1. The name and location of the college at which the applicant or participant is matriculating or matriculated;
 2. A statement of the occupational goal the applicant or participant intends to pursue after receiving the postsecondary undergraduate degree and why they wish to pursue this occupation;
 3. The labor market area in which the applicant or participant plans to seek employment;
 4. The field directly related to employment in which the applicant or participant proposes to complete the postsecondary degree;
 5. The supporting information that demonstrates the necessary connection between the employment goal and the field of study, including:
 - i. The job titles for other occupations that can be pursued with this degree and field of study;
 - ii. A description of the career exploration activities the applicant or participant has completed to gather this information; and
 - iii. A justification for the need of a four-year degree to achieve the occupational goal, if the

applicant or participant is seeking a four-year degree in a field in which a two-year degree is commonly accepted for entry into the occupation.

6. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participant plans to use to pay for these costs; and
 7. The number of hours scheduled for class time, the estimated number of hours needed for studying and preparing coursework outside of the classroom, and the method of documenting and verifying actual hours of participation and satisfactory progress.
- b. The Department may require inclusion in the PSE plan of one or more of the following activities to strengthen the link between the chosen field of study and the attainment of the stated occupational goal:
1. Paid employment;
 2. Work-study position;
 3. Practicum;
 4. Internship;
 5. Clinical placement;
 6. Laboratory or field work; or
 7. Some other paid or unpaid work activity or experience that will substantially enhance the applicant or participant's employability in the occupation specified in the PSE plan.

2406.1 PSE Degree Completion Requirements

- a. PSE participants shall complete their PSE degrees according to a schedule that ensures they will complete the coursework necessary in the following time-frames:
1. A two-year postsecondary undergraduate degree must be completed within three years;
 2. A four-year postsecondary undergraduate degree must be completed within five years; or
 3. A different time period if the below criteria are met:
 - i. When an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months will be deducted for every 15 credit hours;
 - ii. When a participant, who has already obtained a two-year postsecondary undergraduate degree through participation in the PSE program is pursuing a four-year postsecondary undergraduate degree, the time period that was used to obtain the two-year degree is subtracted from the five-year time period;
 - iii. When the applicant has provided documentation, to the satisfaction of the Department, that additional time is necessary for completion due to the applicant's

disability; or

- iv. When subsequent changes to the PSE degree completion requirement are made pursuant to rule 2419.
- b. The schedule should reflect consideration of and address the individual's existing circumstances and responsibilities that may reasonably affect their ability to maintain the completion requirement and eligibility.
- c. Each month in which the participant receives PSE financial benefits or PSE support services shall be counted as part of the three-year or five-year completion requirements for PSE participation, regardless of whether the participant was taking one or more courses during that month.
 1. This shall include any month during a leave of absence pursuant to rule 2420 for which the participant receives PSE financial benefits or PSE support services.

2406.2 Obtaining Approval of PSE Plan

- a. A case manager shall review each PSE plan with the applicant or participant.
- b. The applicant shall not be eligible for the PSE program when the PSE case manager makes a determination that the applicant can achieve entry into the proposed occupation, or into a substantially similar occupation, by completion of an education and/or training program, whose duration is 12 or fewer months.
- c. The PSE case manager, together with their supervisor, shall approve, disapprove, or make recommendations for modifications to the PSE plan and provide notice of the decision (rule 2413).
 1. The applicant or participant shall receive a copy of the case manager's recommendations for modifications.
 2. The PSE plan shall be deemed disapproved if, within 30 days of receiving the PSE case manager's recommendation for modification, the applicant or participant does not submit a modified PSE plan and does not appeal the request for modification.
- d. If the PSE case manager disapproves or recommends modifications to the PSE plan, the applicant or participant shall be notified of their appeal rights.
- e. Each applicant or participant shall propose modifications to the PSE plan when necessary to respond to a recommendation for modification or to support a requested change, as specified in rule 2418.

2407 Pre-Participation Services

- a. Prior to the initiation of case management services, the Department may assist the PSE applicant with:
 1. Completion of all aspects of the financial and non-financial eligibility;
 2. Development of the initial PSE plan;
 3. Determination of the amount of the PSE financial benefit;
 4. Identification of majors or fields of study that are the most closely related to the applicant's

occupational goals;

5. Identification of colleges that offer the most appropriate programs to meet the applicant's occupational goals, taking into consideration household obligations and financial constraints;
6. Application for financial benefits; and
7. Coordination with Department case managers for applicants, who are recipients of Reach Up benefits.

2408 Prioritizing PSE Applicants

- a. If program funds are insufficient for all otherwise eligible applicants to participate, participation in the program shall be granted to applicants in the following order:
 1. Applicants without a college degree or who qualify for an exception under rule 2405.2 who also:
 - i. Have demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought; and
 - ii. Qualify for PSE financial benefits.
 2. Applicants who have had no postsecondary education and who qualify for PSE financial benefits.
 3. Applicants without a college degree or who qualify for an exception under rule 2405.2 who also:
 - i. Have already demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought; and
 - ii. Qualify for case management services, but do not qualify for PSE financial benefits.
 4. Applicants who have no postsecondary education and qualify for case management services, but do not qualify for PSE financial benefits.
 5. If the number of eligible applicant households in the priority group under consideration exceeds the number of openings for PSE, program eligibility will be determined by random selection from that group.

2409 Financial Benefits

- a. PSE households determined to be otherwise eligible for financial benefits under the applicable Reach Up Eligibility rules for income and resources shall receive PSE financial benefits equivalent to the Reach Up financial benefit for which they would have been eligible.
- b. The amount of PSE financial benefits shall be determined and verified by the Reach Up Eligibility rules.
 1. The initial amount of PSE financial benefits shall be determined at the time of admission into the PSE program and shall be recalculated if the household's circumstances change.
 2. The initial financial benefit payment shall be effective on the first day of the calendar month in which the PSE participant begins attending classes in the degree program, unless they fall within the exception in (3) below.
 - i. A household may not receive a PSE financial benefit and a Reach Up financial benefit for the same calendar month.

3. If the deadline for the decision on an application was extended pursuant to rule 2413 and there is insufficient time to terminate Reach Up benefits prior to the first day of the month in which the PSE participant begins attending classes in the undergraduate degree program, Reach Up benefits shall continue for that month in lieu of PSE benefits.
 - i. PSE benefits shall begin in the month following termination of Reach Up benefits.
4. Subject to notice requirements, eligibility for PSE benefits ends with the calendar month in which the PSE participant:
 - i. Begins an interruption in the program participation;
 - ii. Receives the two-year or four-year degree specified in the PSE plan; or
 - iii. The household becomes ineligible due to changes in the household's circumstances.
- c. All Reach Up Eligibility rules pertaining to eligibility and payment apply to the PSE program and are hereby incorporated into the PSE rules with the following exceptions:
 1. Deadline for Application Processing, Reach Up Eligibility rule 2207.3;
 2. Benefit Payment, Reach Up Eligibility rule 2214.1;
 3. Temporary Absence from the Home, Reach Up Eligibility rule 2228; and
 4. Appeal of Reach Up Decision, Reach Up Eligibility rule 2262.3(b) and (c).

2410 Case Management Eligibility

- a. All applicants who qualify for the PSE program are eligible for case management services.
 1. Applicants who qualify for participation in the PSE program but do not qualify for PSE financial benefits may receive case management services.
- b. A qualifying applicant/participant who is no longer eligible for PSE financial benefits due to a change in circumstances may continue to be eligible for case management during the academic year in which the loss of eligibility occurred and until the date of their next annual recertification, provided they meet all the criteria at rule 2405.

2411 Continuing Eligibility

- a. PSE financial benefits and case management services continue, as authorized, until changed or terminated due to:
 1. Change in circumstances (rules 2404 and 2405);
 2. Expiration of the annual review period; or
 3. Participant not providing information to complete the annual review (rule 2412).
- b. Continuing eligibility for financial benefits is determined using Reach Up Eligibility rules governing reported changes (Reach Up Eligibility rule 2211) when they occur and at the annual review.

- c. The participant's PSE plan (rule 2406), which includes non-financial eligibility requirements, shall be reviewed and revised as needed.

2412 Annual Review

- a. The Department shall conduct an annual review to determine continuing financial and non-financial eligibility for the PSE program and to determine the amount of any financial benefits.
- b. The annual review follows the same eligibility process and financial and non-financial eligibility as indicated in rules 2403, 2404, and 2405.
- c. Changes in PSE financial benefits, resulting from the annual review, shall be made as soon as administratively possible.
- d. Participants who qualify for the PSE program but do not qualify for PSE financial benefits may receive case management services.
- e. The annual review shall be final when all the following actions have been completed:
 - 1. Written notice of the Department's decision has been made available to the participant, including eligibility for case management services; and
 - i. An increase of financial benefits has been made available to the participant; or
 - ii. Authorization to terminate or reduce financial benefits has been processed.

2413 Notice of Decision

- a. Written notice of the decision on the financial eligibility application shall be given to the applicant within 30 days of the date the signed financial eligibility application was received.
- b. If financial eligibility is approved, the notice shall include the date on which eligibility for the PSE program will begin, the amount of financial benefits, and the applicant's appeal rights.
 - 1. An applicant may be financially eligible, but receive no PSE financial benefits, due to household income that is above the Reach Up financial eligibility limit.
- c. If financial eligibility is denied, the notice shall include the reasons for the denial and information on the applicant's appeal rights.
- d. Written notice of the decision on the nonfinancial eligibility application shall be made within 30 days of the date the initial or modified PSE plan was received or within 30 days of the date of the written notice of decision on the financial eligibility decision, whichever occurs later.
- e. If the applicant meets the PSE eligibility requirements but is denied admission under the PSE applicant prioritization stated in rule 2408, the applicant shall be informed that their application will be kept on file.
 - 1. Applicants who request that the application on file be considered in the future may be required to update the application and will be subject to the same determination and priority criteria as an

applicant submitting a new application.

- f. Written notice of the PSE annual review decision shall be provided to the participant within 30 days of the date when the financial eligibility application was received.
 - 1. The notice shall inform the participant whether they continue to be eligible for the PSE program and the amount of PSE financial benefits.
 - 2. If the participant is no longer eligible for the PSE program the notice will include the reasons for these decisions and information on appeal rights.

2414 Case Management

- a. Case management is the primary connection between participants and the PSE program.
- b. Case managers shall work closely with participants to maximize the likelihood that they will complete the PSE program successfully.
- c. Case managers will assist with eligibility determinations, revision and review of PSE plans, and career planning.
- d. Case managers shall provide other assistance and support, including referrals, in areas such as academic advice, financial aid, social services, and other State or federal benefit programs.

2415 Availability of Case Management

- a. Case management shall be available to all PSE participants from one month prior to the beginning of the academic term in which they will be taking classes until the month they complete the postsecondary undergraduate degree specified in their current PSE plan.
- b. Case managers shall meet in person or by telephone at least monthly, or more often as needed, with each participant to review academic progress, offer support services, and assist with PSE program participation.
 - 1. These meetings will be held in partnership with the college identified in the participant's current PSE plan and include academic advisors and other faculty, as needed.

2416 Case Management Services

- a. Case management services include:
 - 1. Assisting with the review and modification of PSE plans;
 - 2. Assisting participants in identifying majors or fields of study most closely related to their occupational goal, when a change in goal is proposed;
 - 3. Assisting participants in identifying colleges offering the most appropriate programs to meet their occupational goal, taking into consideration household obligations and financial constraints, when a change in goal is proposed;
 - 4. Assisting with identifying appropriate resources for academic advice and counseling;

5. Considering and authorizing requests for support services;
6. Arranging support groups or informational workshops for participants;
7. Scheduling annual review of continuing eligibility for the PSE program;
8. Considering and determining whether there is good cause for a leave of absence (rule 2420) in PSE program participation and whether changes to the PSE degree completion requirement should be granted (rule 2419);
9. Assisting PSE households in obtaining and maintaining community-based social services;
10. Referring PSE households to other State and federal benefit programs for which they may be eligible;
11. Assisting participants in applying for financial assistance, including tuition for summer programs available through VSAC;
12. Providing participants with information and referrals to career placement services; and
13. Maintaining participant records.

2417 Support Services

- a. Support services shall be provided within the limits of funds available to all PSE participants, as established by the Reach Up support services matrix, regardless of whether they are financially eligible to receive PSE financial benefits.
- b. Requests for support services shall be submitted to the participant's case manager.
- c. If the request for a support service is denied, the participant shall be given written notice of the denial, including the reasons for the denial and information about the participant's right to appeal.

2418 Change in Occupation, Major, Degree, or College

- a. The participant may apply to change the occupation, major, field of study, postsecondary undergraduate degree, or college specified in the PSE plan, as long as they can demonstrate the ability to complete the degree within the PSE degree completion requirements (rule 2406.1).
- b. If the participant proposes a change in occupation, major, field of study, degree, or college, the PSE case manager and, if applicable, the academic advisor shall approve the proposed change.

2419 Change in PSE Degree Completion Requirement

- a. PSE participants may request an extension to their PSE degree completion requirement (rule 2406.1).
- b. The completion requirement may be extended for verified good cause reasons that are beyond the participant's control including:
 1. The need to care for a family member with special needs;
 2. A serious physical or mental health problem of an expected duration of greater than two weeks;
 3. A learning disability;

4. The effects of domestic violence;
 5. The death, serious illness or accident of an immediate family member or person residing in the household;
 6. The unavailability of courses essential to the major, field of study or for general requirements of the college in a particular semester; or
 7. Some other equally disruptive set of circumstances, as determined by the case manager and approved by the Department.
- c. When a participant does not complete or receives a failing grade for a course, the case manager shall meet with them to determine if it is necessary to change the current PSE plan schedule to enable them to meet the requirements in rule 2406.1.
 - d. A participant pursuing a two-year postsecondary undergraduate degree shall be granted only one additional semester for good cause beyond the applicable completion requirement.
 - e. A participant pursuing a four-year postsecondary undergraduate degree shall be granted only two additional semesters for good cause beyond the applicable completion requirement.

2420 Leaves of Absence

- a. A participant may take a leave of absence for up to 12 consecutive months from the PSE program for any reason.
- b. The participant must notify the PSE case manager prior to taking the leave of absence to prevent the absence from being considered a de facto withdrawal from the PSE program.
- c. If all applicable financial and non-financial eligibility requirements are met (rules 2404 and 2405), a participant shall be readmitted to the PSE program for the academic semester that immediately follows the end of the leave of absence.
- d. A participant who is not readmitted into the PSE program for the academic semester immediately following the end of the leave of absence shall be considered to have withdrawn from the program.
- e. Time taken for leaves of absence shall not count against the applicable PSE degree completion requirements (rule 2406.1), except for any month during the leave of absence in which the participant receives PSE financial benefits or PSE support services.

2421 Case Management During Leaves of Absence

- a. While PSE financial benefits do not continue during any leaves of absence from PSE, limited case management through the PSE program shall be available for participants.
- b. Case management shall be provided at the request of the participant during leaves of absence.
- c. Monthly case management meetings are not required during PSE leaves of absence.
- d. The focus of case management during PSE leaves of absence shall be to assist the participant with successful reentry to the PSE program.
- e. Case management shall be provided by a participant's Reach Up case manager if they receive Reach

Up benefits during PSE leaves of absence.

2422 Financial Benefits and Support Services During Leaves of Absence

- a. PSE financial benefits and PSE support services shall not continue for households during leaves of absence from the PSE program.
- b. Households on leaves of absence from the PSE program may receive Reach Up benefits if they meet the Reach Up eligibility requirements.

2423 Termination from the PSE Program

- a. Participants shall receive notice of termination from the PSE program for the following reasons:
 - 1. Not meeting the financial (rule 2404) or non-financial eligibility requirements (rule 2405);
 - 2. Not cooperating or providing documentation, without good cause, with an annual review (rule 2412);
 - 3. Not making progress toward a degree, which cannot be cured by changes in the PSE degree completion requirement (rule 2419);
 - 4. Not maintaining good academic standing (rule 2405);
 - 5. Not cooperating with PSE program requirements;
 - 6. Voluntary withdrawal from the PSE program or from college, unless the participant plans to attend a different college and the change in college has been approved pursuant to rule 2418;
 - 7. De facto withdrawal from the PSE program;
 - 8. A determination that an affirmative initial financial eligibility or recertification decision was incorrect due to inaccurate or incomplete information regarding the household's income; or
 - 9. Not maintaining physical custody of and residency with a dependent child.
 - i. Termination of financial benefits shall occur immediately following proper notice.
 - ii. Termination of case management services will occur at the end of the semester during which the parent is determined to no longer qualify for the program.
- b. The PSE case manager shall notify participants they will receive a notice of termination from the PSE program unless they provide documentation within 30 days to demonstrate compliance with the following requirements:
 - 1. Limitation on employment (rule 2405);

2. Vermont residency (rule 2405);
 - i. A participant may receive extensions of 30 days at a time to comply with the residency requirement if:
 - A. The reason for change of residency was for a verified good cause reason beyond the participant's control; and
 - B. The participant intends to return to Vermont.

2424 Readmission after Withdrawal from the PSE Program

- a. A participant who has been terminated from the PSE program due to a voluntary or de facto withdrawal from the program may be readmitted to the PSE program once within their lifetime.
- b. As part of the readmission process, the months in which the participant previously received PSE financial benefits or PSE support services shall count towards their PSE degree completion requirement (rule 2406.1).

2425 Notice of Appeal Rights

- a. The Department shall provide all PSE applicants and 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 PSE applicant's or participant's eligibility.
- 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 need.
- c. Applicants and participants have the right to appeal decisions relating to all aspects of their eligibility for the PSE program and the right to request a fair hearing before the Human Services Board.
 1. A request for a fair hearing on an applicant's or participant's appeal of a Department decision must be made within 90 days of the mailing date of the notice of decision.
- d. When adverse action results in termination of eligibility for the PSE program the Department shall mail notice of the determination to the participant at least 10 days before the effective date of the adverse action.

- e. When an action terminating a PSE program benefit based on non-financial eligibility criteria is appealed, the benefit shall not continue at the prior level pending the outcome of the appeal.
 - 1. Retroactive coverage shall be provided in any case in which the Human Services Board reverses the action that was appealed.

- f. When an action reducing or terminating PSE financial benefits is limited to and based on the household's income, resources or both, a request for a hearing, either verbal or written, made within 10 days of the mailing date of a notice of decision to decrease or terminate benefits may preclude the Department from implementing the proposed adverse action.
 - 1. Reach Up rule 2262 is applicable to continuing benefits, recoupment, and retroactive payments.

2426 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.