STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 17-02P

FROM: Sean Brown, Deputy Commissioner
Economic Services Division

DATE: October 24, 2016

SUBJECT: Reach Up/Postsecondary Education/Reach Ahead Rules

CHANGES ADOPTED EFFECTIVE March 1, 2017

INSTRUCTIONS

___ **Maintain Manual - See instructions below.**
_X_ **Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
___ **Information or Instructions - Retain until_____**

MANUAL REFERENCE(S):

2211.3	2238.2	2282	2350.5	2421	2453	2501
2230.3	2240	2315	2350.8	2425	2474	2502.1
2231	2263.8	2335.1	2350.9	2440	2486	
2235	2271	2350.1	2363.2	2451	2487	
2238	2276	2350.4	2410	2452	2490	

This rule implements two changes to the Reach Up program required by Act 172 (2016): (1) 33 V.S.A. § 1103(c) was amended to require DCF to count $115.00 of a parent's Supplemental Security Income (SSI) payment when determining the amount of the family's Reach Up financial assistance; and (2) 33 V.S.A. § 1108 (d) was amended to expand the types of work activities a participant who has reached the 60-month time limit may engage in order to continue receiving assistance.

Additionally, this rule clarifies and modifies provisions in the Reach Up and Reach Ahead program rules related to work requirements and activities, self-employment verification, temporary absences, time limits, formation of the assistance group, housing allowances, and medical deferments and modifications.

Finally, this rule proposes changes to the Postsecondary Education program to enhance participation in the program.

Specific Changes to Rule Sections

Reach Up Eligibility Rules

2211.3 The process for verifying self-employment income was modified to align with the 3SquaresVT program.

2230.3 Language was added to clarify that the temporary absence begins that date the child or parent/caretaker leaves the home; language giving the Reach Up program director sole discretion to determine whether the temporary absence is expected to exceed 180 days was removed; absences due to a child receiving care in a medical institution were added as a category qualifying for eligibility beyond 180 days; language was added to clarify that assistance will terminate when reunification is no longer a permanency planning goal.

2231 Language was added to reflect the change in rule 2240 regarding the formation of the assistance group.

2235 Incorrect citation to rule 2180 was replaced with rule 2390.

2238 Language was added implementing the expanded work activity provisions of Act 172.

2238.2 Language was added to clarify the process for implementing a two-month break in benefits following a Human Services Board order affirming the department.

2240 Language was added creating an exception to the requirement that a parent be included in a child's assistance group if the child is being cared for in the home of the child's legal guardian; language was added implementing the SSI payment counting provisions of Act 172.

2263.8 Language was added allowing residents of a shelter or transitional housing to claim the full housing allowance.

2271 Language was added implementing the SSI payment counting provisions of Act 172.

2276 Language was added implementing the SSI payment counting provisions of Act 172.

2282 Incorrect citation to rule 2211 was replaced with rule 2264.

Reach Up Services Rules

2315 Language was deleted prohibiting the use of the Medicaid transportation system to travel to and from subsidized or unsubsidized employment to reflect current practice.

2335.1 Reference to "DET" was replaced with "DOL."

2350.1 Definition of "unsubsidized employment" was updated to align with federal regulations.

2350.4 Definition of "work experience" was updated to align with federal regulations.

2350.5 Definition of "on-the-job training" was updated to align with federal regulations.

2350.8 Definition of "vocational education" was updated to align with federal regulations.

2350.9 Definition of "job skills training" was updated to align with federal regulations.

2363.2 Language addressing participants' engagement with vocational rehabilitation services was deleted to reflect current practice.

Postsecondary Education Rules

2410 Financial eligibility determination period was changed from the "calendar year" preceding the application date to the "thirty-day period" preceding the application date.

2421 Application period was extended to allow applications to be accepted throughout the year.

2425 Removed the requirement that the non-participating parent accept vocational rehabilitation services.

2440 This section relating to participants receiving a stipend on April 1, 2007 was deleted in its entirety as it is obsolete.

2451 Deleted subsections (a) and (b) relating to documentation requirements in order to remove unnecessary barriers to participation in the program.

2452 Language was deleted to align this section with the proposed changes to rule 2451.

2453 Replaced requirement that the PSE plan review committee convene to approve changes in occupation, major, degree, or college with the requirement that the case manager and academic advisor approve the change.

2474 Language regarding unapproved interruptions was deleted to align with proposed changes to rules 2486 and 2487.

2486 Changed leave of absence policy to allow for leaves of absence for any reason for up to 12 consecutive months.

2487 Removed language regarding "unapproved interruptions"; adding language addressing readmission to the program following withdrawal from the program.

2490 Language regarding unapproved interruptions was deleted to align with proposed changes to rules 2486 and 2487.

Reach Ahead Rules

2501 Language was added incorporating Reach Up rule 2330.3 (temporary absence).

2502.1 Language was added to clarify that the work-eligible adult must be meeting the full, unmodified Reach Up work requirement in order to be eligible for the program.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule is expected to be filed with the Interagency Committee on Administrative Rules (ICAR) on October 31, 2016 and presented at its meeting on November 14, 2016.
2. The proposed rule is expected to be filed with the Secretary of State's Office on November 16, 2016.
3. The Secretary of State will publish notice of rulemaking on its website on November 23, 2016.
4. The department will post the proposed rule on its website http://dcf.vermont.gov/esd/rules and notify advocates, subscribers, and members of the public of the proposed rule.

B. Formal Notice and Comment Period

1. A public hearing will be held on December 23 at 1:00 p.m. at St. Leo's Hall, 109 South Main Street, Waterbury, Vermont 05671.
2. Written comments may be submitted no later than 4:30 p.m. on December 30, 2016 to Heidi Moreau, Policy Analyst, Economic Services Division, DCF; 280 State Drive, HC 1 South, H12502, Waterbury, Vermont 05671-1020, heidi.moreau@vermont.gov. Fax: (802) 241-0460.
3. The anticipated effective date of the rule is March 1, 2017. This date is subject to change.

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

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

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

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2211 Methods of Investigation (02/01/2009, 08-10)

The applicant is the primary source of information about his need and eligibility for aid or benefits. Verification of information furnished on the signed application and through interviews is not required except as specified at 2211.3 Verification or elsewhere in rules.

Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to furnish necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere. The signature of an applicant or spouse, authorized representative, or legal guardian on an application must certify under penalty of perjury that information on the application pertaining to all members of the assistance group is correct and complete. Only one adult applicant signature is required (2208, Application). Department responsibility to assist an applicant to establish eligibility requires careful explanation and interpretation of program eligibility criteria and information needed to assess the applicant's circumstances against such eligibility criteria.

An applicant has a right to refuse to give information, or to submit required proof. Such refusal of information or action necessary to establish eligibility will result in denial or closure of aid or benefits. Willful misrepresentation of applicant circumstances will also result in legal action under fraud statutes. Department staff shall make every effort to assure full applicant understanding of the consequences of refusal to take necessary action to establish eligibility and/or misrepresentation of individual circumstances.

An individual may apply for aid or benefits through another person; for example: an authorized representative; a person acting responsibly for an incompetent or incapacitated individual; surviving relative or estate administrator of a deceased person. The individual acting for the applicant is, in such situations, considered the primary source of information, subject to the same rights, responsibilities and consequences for the applicant as an applicant acting directly for himself.

2211.1 Statement of Need (02/01/2009, 08-10)

The applicant's signed statement of need, contained within the application forms for the programs applied for, is the primary source document for information about the applicant's circumstances.

Application forms are designed to be as clear and simple to complete as possible, with due regard for the information necessary to establish eligibility. Appropriate descriptions of applicant rights and responsibilities, including penalties for willful misrepresentation of circumstances, are set forth immediately before the applicant's signature.

A signed Application form shall be sufficient to apply for Reach Up.

2211.2 Interviews (07/01/2011, 10-16)

An interview is required for all Reach Up applications. Except as specified below, this interview shall be a personal face-to-face interview conducted privately with the applicant, who may have a representative present for assistance. Such interviews may be conducted in the applicant's home or another mutually convenient location when individual circumstances of health or unusual transportation problems make an office interview difficult.

Methods of Investigation

The department will do telephone interviews of applicants who are not mandatory members of the assistance group when they apply for financial assistance only on behalf of the children in the household; the department will provide a face-to-face interview at the applicant's request. Applicants who meet these criteria include, and are not limited to, caretaker guardians whose income or resources exceed the limits for inclusion in the assistance group or parents who are not included in the assistance group because they receive SSI/AABD benefits.

2211.3 Verification (05/01/2014, 13-42)

Verification, defined as a written entry in the case record of third-party or documentary confirmation of facts stated by an applicant, shall be required for the items listed below when the department is processing an initial application or eligibility redetermination for Reach Up financial assistance. Verification of individual items on this list is required when the participant reports a change in circumstances relating to that item or when the department receives information from some other source that indicates the most recent information reported by the participant may not be correct.

A. All non-excluded income (amount and source).

B. All non-excluded resources, within $200 of the limit.

C. Actual dependent care costs claimed as a work expense and used as a deduction from earned income.

D. Shelter costs incurred.

E. High risk pregnancy for a woman with no dependent children.

F. Paternity of biological father not married to child's mother.

G. Collateral information affecting eligibility or benefits.

H. Application for a social security number if the individual does not have one.

I. Months of TANF assistance received in another state.

Verification may be required for the following, if questionable:

A. Identity and residency.

B. Age, citizenship, or alien status for any member of the assistance group.

C. Any other information that affects eligibility or amount of benefits.

Written verification statements shall include sufficient detail to enable independent reviewer evaluation of the reasonableness of the resulting eligibility decision, including but not limited to a description of method used, dates, sources, summary of information obtained, and any computations required. If the wage earner cannot furnish complete pay stubs or similar verification, a statement of wages must be obtained from the employer.

The department shall verify and document earnings received in the prior 30 days for applicants and participants. For continuing eligibility, earnings must be verified at least once every six months.

However, if the earnings received in this 30-day period are not representative of current or future circumstances, then a best estimate must be made based on information and documentation obtained during the eligibility determination or redetermination. In such cases this alternative figure will be used to estimate monthly earnings.

Methods of Investigation

When earnings have just begun or changed, available pay stubs, a statement from the employer on wages and predicted hours of employment, or similar verification shall be used to make a best estimate of future earnings.

A change in dependent care costs is defined as a change in one or more of the following circumstances relating to the care provided:

A. the rate paid (hourly, daily, weekly, monthly) for required care;

B. person or facility providing care;

C. amount (number of hours per week) of care required; or

D. number of children or incapacitated adults requiring care.

A variation in dependent care costs caused solely by a school vacation, or illness or vacation on the part of the employed participant, lasting no longer than two weeks, shall not be considered a change in dependent care costs.

The following standard is to be applied when monthly dependent care costs vary as a result of minor fluctuations in the amount of employment-related dependent care required. If total dependent care costs paid in the reporting month are no greater than 25 percent above or no less than 25 percent below the most recent monthly dependent care costs, the variation in dependent care costs will not fall within the department's definition of a change in dependent care costs and, therefore, will not require verification.

Verification of income from self-employment requires careful evaluation by the eligibility worker considering the following:

A. If the applicant or participant has been self-employed for a period of time and has reported this income to IRS, the latest income tax return can be used as one source, providing it reflects the current situation, for example, same type of self-employment, approximately the same number of hours and wages for employment.

B. An applicant or participant who has recently become self-employed shall provide a written statement of potential monthly income or all available business records (for example, income received, source of income, hours of work). Income shall be projected for 12 months based on these records.

Denial or closure shall result if an applicant or recipient:

- fails without good cause to submit documentation necessary for verification;
- fails without good cause to consent to verification of any eligibility factor;
- fails without good cause to cooperate in any investigation necessary to support an affirmative decision of eligibility.

Good cause reasons include:

A. Natural disasters, such as fires or floods, having a direct impact on the applicant/recipient or an immediate family member.

B. Illness of such severity on the part of the applicant/recipient or an immediate family member that the applicant/recipient is unable to direct his or her personal affairs.

C. Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline.

D. Lost or stolen mail which is confirmed by the Postal Service.

E. Refusal of a landlord to verify housing expense.

F. Death of the applicant/recipient or an immediate family member.

G. Inability of a third party (e.g. Social Security Administration) to provide the necessary documentation within the designated time period.

Other reasons may be found to constitute good cause with the approval of the District Director or his or her designee.

2211.4 Collateral Sources (01/01/1987, 86-24)

Contact with sources other than the applicant may be made concerning his eligibility for aid or benefits. These contacts are limited to interviews, telephone calls, or correspondence necessary to obtain information required to make a decision on eligibility. Information requested from collateral sources is limited to the specific eligibility factors in question and may be made without the consent of the client when information by the client is either questionable or insufficient to determine eligibility.

Common collateral sources are relatives, landlords, employers, town officials, Town Service Officers, public records, doctors, medical facilities, etc. Other agencies which have worked with the client are generally the best source of collateral information.

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

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

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

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

The parent or caretaker responsible for care and supervision of the child shall be a person of sufficient maturity to assume this responsibility adequately. Parents and children living together must be included in the same assistance group (see rule 2240 for exceptions). Another relative or caretaker living in the same household with the parents and children, who has assumed responsibility for the care and supervision of the children, can only be added to the assistance group if the parents are incapable of providing care and supervision for some reason, such as mental incapacity.

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

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

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

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

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

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

Eligible Child

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

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

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

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

In all cases where a child or parent/caretaker is or will be absent from the home for a period of 30 days or more, the parent or caretaker must notify the department, advising of the reason for the absence, the designation of the alternate payee (if applicable), and the parent/caretaker's intent to maintain a home for the child during the absence. All temporary absences of a parent or caretaker exceeding 30 days shall be subject to verification and approval by the department. Temporary absences of a child or parent/caretaker must not be expected to exceed 180 consecutive days. The 180-day count shall begin from the date the child or parent/caretaker leaves the home.

A. Temporary Absence of a Parent or Caretaker

1. A parent or caretaker who is temporarily absent from the home to receive inpatient or outpatient care from a hospital, substance abuse treatment facility, or other medical institution for a period greater than 30 days, but not expected to exceed 180 consecutive days, may continue to receive Reach Up assistance if the following criteria are met:

   i. The parent or caretaker continues to maintain a home and be responsible for the child;

   ii. The parent or caretaker has arranged for a responsible adult to care for the child and to be designated as the alternate payee of the Reach Up grant during the absence;

   iii. The parent or caretaker plans to return to the home at the end of the absence; and

   iv. The household continues to meet all other eligibility requirements for Reach Up.

2. A parent or caretaker who is temporarily absent from the home for reasons other than to receive medical care as specified under (A)(1) (e.g. to handle a family emergency, seek employment, or out-of-home visits) may continue to receive assistance for a period not to exceed 30 days.

3. For absences beyond 30 days, the department shall provide housing expenses by vendor payment if a housing allowance is included in the grant. Housing expenses include rent, mortgage, property taxes, insurance, allowable maintenance and repair, and room and board. If there is any balance remaining after the housing expenses are deducted, the remaining amount shall be paid to the designated alternate payee in two payments. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.
4. Needs shall be budgeted pursuant to rule 2264.

5. Reach Up assistance will terminate when the parent or caretaker has been absent from the home for more than 180 consecutive days.

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

B Temporary Absences of a Child

1. Temporary absences of a child from the home, not expected to exceed 180 consecutive days, are limited to the following, unless the department determines that the child's circumstances are substantially similar to those described below:

    i. The child is placed in the custody of the Department for Children and Families pursuant to a court order and reunification with the parent or caretaker is the court-ordered permanency planning goal; or

    ii. The child is incarcerated.

2. Temporary absences of a child from the home exceeding 180 consecutive days are limited to:

    i. a child attending school pursuant to rule 2261.3; or

    ii. a child receiving care in a hospital, substance abuse treatment facility, or other medical institution.

3. The parent or caretaker of a child who is temporarily absent from the home for any of the above reasons shall continue to receive Reach Up assistance as long as the following criteria are met:

    i. The parent or caretaker with whom the child is living continues to maintain a home for the child;
    ii. The parent or caretaker plans for the child to return to the home at the end of the absence; and
    iii. The household continued to meet all other eligibility requirements for Reach Up.

4. Reach Up assistance on behalf of a child who is temporarily absent from the home for reasons other than those specified under (B)(1) and (2) (e.g. out-of-home visits) may continue for a period not to exceed 30 days.

5. Needs shall be budgeted as though the child were living in the home of the parent or caretaker.

6. Reach Up assistance on behalf of the child will terminate when the child has been absent from the home for more than 180 consecutive days. For children placed in the custody of the Department for Children and Families, Reach Up assistance will terminate when reunification is no longer a court-ordered permanency planning goal. Reach Up assistance on behalf of a child who is away from home attending school pursuant to rule 2261.3 or receiving care in a medical institution pursuant to subsection (B)(2) above may continue beyond a 180-consecutive-days absence through the solely state-funded program.

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

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

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

An eligible parent is defined as an individual who:

A. Lives in the same household with one or more eligible biological, legally recognized, step, or adopted children; and

B. Is not in receipt of benefits under the SSI/AABD program; and

C. Has met all other eligibility requirements set forth by these regulations (for example, cooperation with Reach Up services component requirements or obtaining a social security number).

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

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

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

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

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

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

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

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

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

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

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

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

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

2235 Support Obligations and Payments (02/04/2012, 11-04)

Physical absence of a parent from the home, for any reason, does not relieve the parent of legal responsibility for support of dependent children. Any payment of Reach Up financial assistance made to or for the benefit of a dependent child creates a debt due and owing to the Department for Children and Families (DCF) by any noncustodial parent. The amount of said debt shall equal the amount of Reach Up paid, unless the Family Court rules otherwise, or unless the Office of Child Support (OCS), on behalf of the commissioner, enters into a voluntary agreement with the responsible parent to limit the debt, or unless the noncustodial parent presents a court order that limits said debt.

Participating parents who receive assistance through a Solely State Funded Program (see rule 2390) shall assign all child support rights to the DCF. The participating parent shall apply for services from the OCS, if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents, caretaker relatives and guardians who fail or refuse to apply for services from OCS.

2235.1 Assignment of Support Rights (02/04/2012, 11-04)

Assignment of support rights is the legal procedure by which a person receiving public assistance agrees to turn over to the state any right to child support, including arrearages, paid by the noncustodial parent in exchange for receipt of a financial assistance grant and other benefits. The state will use a portion of such child support to defray or recoup its expenditures for Reach Up financial assistance.

Assignment of support rights is a condition of eligibility for Reach Up financial assistance. This requirement applies to parents and other caretakers and may not be waived. Assignment of support rights to the department means all rights to support from any other persons applicants for financial assistance may have, including rights to support in their own behalf or on behalf of any members of the Reach Up assistance group.

The biological parent will sign the assignment of support rights when one of the parents is a stepparent, regardless of which parent is the applicant.

2235.2 Cooperation With Child Support (07/01/2001, 01-06F)

A parent or other caretaker of a child included in the Reach Up assistance group shall be required to cooperate in all practical and feasible means of establishing parentage and pursuing support from any noncustodial parent, unless good cause for refusal to cooperate is claimed and the decision is pending or granted.

Failure to cooperate, as determined by OCS, shall result in a 25 percent reduction in the amount of the family's Reach Up grant.

Areas in which the applicant's active cooperation is required include, but are not limited to:

A. Identifying and locating the parent of a child included in the assistance group.

B. Establishing the parentage of a child born out-of-wedlock included in the assistance group.

C. Obtaining support payments for the applicant or participant and for a child included in the assistance group.

D. Obtaining any other payments or property due the applicant or participant or the child.

E. Appearing at times and places as requested to provide information or give witness at a judicial hearing.

F. Paying to the child support collection agency any child support payments received after an assignment of support has been made.

The department shall notify OCS of all noncustodial, legally liable relatives of children included in the Reach Up assistance group within two working days of the time assistance is granted, unless a request for a waiver from the requirement to cooperate is pending. The department must notify the applicant or participant of the right to request a waiver based on good cause (rule 2235.3) as an exception to the cooperation requirement.

Information provided to OCS is subject to verification with the applicant or participant.

2235.3 Good Cause for Refusal (07/01/2001, 01-06)

The department shall excuse a Reach Up financial assistance applicant or participant from cooperating with the establishment of parentage and pursuit of support when there is, in the departments judgment, good cause for noncooperation. Good cause exists when the department determines that cooperation is not in the best interest of the child for whom assistance is requested and is reasonably anticipated to result in any one of the following:

A. Serious physical or emotional harm to the child for whom support is being sought.

B. Physical or emotional harm to the participant parent or caretaker so serious that it reduces the ability to care for the child adequately.

C. At least one of the following circumstances exists, and the commissioner or the commissioner 's designee agrees that, because of the existence of that circumstance in the particular case, requiring a parent or other caretaker to cooperate in proceedings to establish parentage or pursue support would be detrimental to the child for whom support would be sought:

1. The child for whom support is sought was conceived as a result of incest or forcible rape;

2. Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction, or

3. The applicant or participant is currently being assisted by a public or licensed private social agency to resolve the issue of whether to keep or relinquish the child for adoption, and the discussions have not gone on for more than three months.

2235.4 Request for Waiver (07/01/2001, 01-06)

A parent or other caretaker requesting a waiver of the cooperation requirement must provide evidence of a good cause circumstance or sufficient information to permit the department to determine the circumstances. A grant to a potentially eligible assistance group shall not be denied, reduced, or delayed pending a good cause decision.

When good cause is claimed, the penalty for noncooperation (rule 2235.2) will not be imposed as long as the individual is fully cooperating in obtaining evidence necessary to support waiver of the cooperation requirement. Upon request, the eligibility worker will provide reasonable assistance in obtaining evidence to support the claim.

At its discretion, the department may verify the evidence received or seek additional evidence necessary to evaluate a good cause claim. In processing requests for waiver of the cooperation requirement, the department will:

A. not contact the noncustodial parent from whom support would be sought unless such contact is determined to be necessary to establish the good cause claim; and

B. notify the parent or other caretaker of the child, prior to making such necessary contact, to enable the individual to:

1. present additional evidence or information so that contact with the noncustodial parent becomes unnecessary;

2. agree to the contact;

3. withdraw the family's request for assistance; or

4. refuse to allow the contact after being advised that this refusal will result in denial of the good cause claim.

Acceptable evidence upon which the department will base a determination of good cause includes, but is not limited to, documents such as law enforcement records; court documents; criminal records; birth certificates; medical records; social service, child protective services; or psychological records; records of adoption proceedings; and sworn statements from individuals, other than applicant or participant, with knowledge of the circumstances. Statements must be sworn to before a person authorized to take sworn statements, such as a notary public, justice of the peace, or county clerk.

If additional evidence is needed, the applicant or participant must be promptly notified of the type of documentation required.

Whenever the waiver request is based in whole or in part upon the anticipation of emotional harm to the child, the participant parent, or the caretaker, the present emotional state and health history of the individual subject to emotional harm must be considered as well as the extent of involvement of the child in the establishment of parentage or support enforcement activity to be undertaken. A finding of good cause for emotional harm may only be based upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

When a claim is based on the applicant's or participant's anticipation of serious physical harm, no evidence is submitted in support of the claim, and the eligibility worker believes the claim to be credible, the claim will be investigated by the eligibility worker, with assistance from the child support worker if appropriate, to determine whether the applicant or participant has good cause for refusal to cooperate. The request and any available documentation should be submitted to the commissioner or the commissioner's designee.

Support Obligations and Payments

On the basis of the evidence, the commissioner or the commissioner's designee will determine whether cooperation would be against the best interest of the child for whom support would be sought. This determination will be made within a time frame that does not exceed 30 days from the day good cause claim is made, except when the required verification cannot be obtained within that time frame. The department will not deny, reduce, or delay assistance pending good cause determinations if the requester is cooperating in the collection of evidence.

OCS is prohibited from attempting to establish parentage or collect support in cases where the caretaker claims good cause for refusal to cooperate until a decision has been made regarding the waiver request. OCS may, however, attempt to establish parentage and collect support without the cooperation of the parent or other caretaker following a decision by the commissioner or the commissioner's designee that this can be done without risk to the child.

2235.5 Review of Good Cause Waivers (02/04/2012, 11-04)

A review of the continued existence of good cause circumstances upon which the waiver was granted is required no less frequently than at each redetermination of eligibility for those cases in which determination of good cause is based on a circumstance that may change. A formal decision based upon resubmission of evidence shall not be required, however, unless the eligibility worker determines that significant change of circumstances relative to good cause has occurred.

2238 Time Limits (05/01/2014, 13-42)

A. A family in which a participating adult has received 60 or more countable, cumulative months of Reach Up financial assistance or cash assistance funded by a TANF block grant in another state, shall be ineligible for assistance under the Reach Up program, unless each participating adult is fully complying with Reach Up services component requirements and:

1. The participant is deferred from his or her work requirement for one of the reasons listed in rules 2363, 2363.1, or 2363.2; or
2. The participant is engaged in any of the countable work activities listed in rules 2350.1-2350.11, rule 2351, or any other work activity recognized in accordance with Title IV-A of the Social Security Act for the number of hours equal to the participant's work requirement.

B. The count for the time limit on assistance begins with July 1, 2001. Each full or partial month for which a participant receives financial assistance counts toward the 60-month time limit. A month in which only support services are received by an employed participant does not count toward the 60-month time limit. In a two-parent family in which the parents have not received assistance for the same number of months, the time limit is based on the parent who has received assistance for the greater number of countable months. Assistance received under the Postsecondary Education, Reach First, and Reach Ahead programs does not count toward the 60-month limit.

A month in which financial assistance is received does not count toward the 60-month time limit if the participant is deferred from his or her work requirement for a full calendar month for one or more of the following reasons:

1. The participant is unable-to-work pursuant to rule 2363.2;
2. The participant is caring for a child during the first 12 months of a possible 24-month deferment granted pursuant to rule 2363(c) (NOTE: no more than 12 cumulative, deferred months shall be exempt from counting toward the 60-month time limit in a participant's lifetime);
3. The participant is affected by domestic violence pursuant to rule 2363.1; or
4. The participant is needed in the home on a full-time basis to care for an ill or disabled parent, spouse, or child pursuant to rule 2363(F).

C. The time limit shall not apply in the following cases:

1. Single or two-parent families with at least one parent under the age of 18;
2. A dependent child living with a non-parent caretaker who is not in the assistance group; or
3. A dependent child living with a single parent who receives SSI/AABD benefits, or with two parents who both receive SSI/AABD benefits.

2238.1 Termination after 60 Months (05/01/2014, 13-42)

For families who have received 60 or more countable, cumulative months of assistance, noncompliance with Reach Up services component requirements, without good cause, or not fulfilling the work requirement, regardless of good cause, will result in termination of the family's Reach Up grant. Good cause shall be determined according to rules 2372 and 2373.

2238.2 Reapplication after 60 Months (05/01/2014, 13-42)

A. A family whose Reach Up grant was terminated for either noncompliance or not fulfilling the work requirement, without good cause, after having received 60 or more countable, cumulative months of assistance may be eligible for assistance at any time following a break in assistance of at least two months.

B. A family whose Reach Up grant was terminated for a reason other than noncompliance or not fulfilling the work requirement, without good cause, after having received 60 or more countable, cumulative months of assistance may be eligible for assistance at any time following termination of the grant.

C. A family whose Reach Up grant will be terminated for a reason other than noncompliance or not fulfilling the work requirement, without good cause, must continue to comply with all Reach Up requirements until the grant is terminated; a family who does not comply with these requirements and does not have good cause for not complying, will not be eligible to receive benefits for two months from the date the grant is terminated.

D. Assistance shall be paid only upon complying fully with post-60-month FDP requirements (rule 2334) for a period of two consecutive weeks or, in the case of applicants claiming a deferment, upon supplying verification of and meeting the criteria for the deferment. A family whose application is denied for not completing the two-week period of compliance or supplying verification of a deferment may reapply at any time.

E. A family who received continuing benefits (see rule 2215) during the period of time in which they would have been subject to a two-month break in benefits will not be eligible to receive benefits for two months from the date their grant is terminated pursuant to a Human Services Board order affirming the Department's decision. The Department shall not recoup such benefits except for those continuing benefits paid beyond two months.

2240 Formation of the Assistance Group (02/04/2012, 11-04)

An "assistance group" is defined as one or more individuals whose requirements, income, and resources are considered as a unit to determine need for financial assistance.

A Reach Up assistance group must include one or more eligible dependent children. In addition, the assistance group must include all siblings. including half-siblings, living with the dependent child or children and qualifying under the age criteria, as defined in policy. A parent must be included in the assistance group if the parent lives in the home with a child included in the assistance group unless the child's legal guardian is receiving assistance on behalf of the child, in which case the legal guardian may choose to not have the parent included in the child's assistance group. A parent whose residence in the home is interrupted by active duty in the uniformed services of the United States or by education, training, or employment away from home must be included in the assistance group.

There are three exceptions to the requirement that a Reach Up assistance group include at least one eligible child. They are:

A. A family in which the only dependent child (or children) is a disabled child recipient of SSI/AABD benefits.

B. A family that consists of a pregnant woman (with or without the father or stepfather of her unborn child) having no children in her household when either the woman self-declares on her Reach Up application or it has been medically verified that the pregnant woman's expected delivery date falls within the next 30 days and it has been determined that the child, if born, would be eligible for Reach Up.

C. A family that consists of a pregnant woman (with or without the father or stepfather of her unborn child) having no children in her household when high risk pregnancy has been medically verified, or by self-declaration on her Reach Up application if the applicant is a pregnant minor, and the pregnant woman's expected delivery date falls within the three-month period following the month of application but not within the next 30 days and the following two criteria (a and b) have been met:

   1. The child, if born, would be eligible for Reach Up.

   2. The pregnant woman meets at least one of the following conditions:

      - The pregnant woman is a minor. In addition, when a woman has been eligible for and receiving Reach Up financial assistance as a pregnant minor, and her 18th birthday falls before the 30th day immediately preceding her expected delivery date, her eligibility for Reach Up on the basis of being a pregnant minor continues through the end of the pregnancy.

      - The pregnant woman is not a minor and requests consideration for early Reach Up eligibility on the basis of her belief that she is unable to work due to a high-risk pregnancy and is found eligible on this basis.

        A pregnant woman who has been determined disabled by the state's disability determination agent for Medicaid in accordance with applicable requirements of the Social Security Act shall be presumed to be unable to work due to a high-risk pregnancy.

        The ability to work of all other pregnant women having no children in their household who seek Reach Up benefits before the 30th day immediately preceding the pregnant woman's expected delivery date (and who are not eligible as minors and not members of the grandparented group identified in the following bullet) shall be determined on the basis of a case-by-case assessment of the medical conditions present, to what degree

those conditions are controlled or modified by treatment, and other relevant medical factors.

This determination shall be made by the commissioner or his or her designee on the basis of medical evidence provided by the woman's obstetrician, nurse-midwife, or other qualified medical professional (as determined by the commissioner or his or her designee) and obtained by the pregnant woman, and additional medical data when deemed necessary by the commissioner or his or her designee, which he or she shall obtain from the treating obstetrician, nurse-midwife, or other qualified medical professional, or on a consultative basis.

Medical professionals who perform examinations required to enable the department to determine a pregnant woman's ability to work due to a high-risk pregnancy will be provided reasonable reimbursement from administration funds.

The determination of a pregnant woman's ability to work shall be based on whether she can perform any substantial gainful activity which exists in the local or adjacent labor markets and shall not be limited to a determination of whether she is able to perform work in which she is currently or has been previously engaged. Non-medical factors, including but not limited to previous employment history, current employment status and availability of alternative sources of income support, and health-related factors, such as a pattern of substance abuse on the part of the pregnant woman, or other high-risk behaviors on her part, shall not be the basis of a determination that a pregnant woman is unable to work due to a high-risk pregnancy.

In the case of a pregnant woman seeking Reach Up benefits on this basis, the department shall determine eligibility no later than 10 calendar days following receipt of all information necessary to make the eligibility decision.

- The pregnant woman is eligible for and receiving Reach Up benefits on the basis of pregnancy on June 30, 1996, and continues to be eligible on that basis.

The assistance group may also include the following individuals when they are living in the same household:

A. A needy caretaker.

B. A needy essential person.

The assistance group shall not include an individual receiving benefits under the SSI/AABD program. Income and resources of a SSI/AABD recipient shall be excluded from consideration in determining income and resources for the Reach Up financial assistance group, except that $115.00 of the SSI payment received by a parent shall be counted as unearned income when determining the amount of the family's benefits. If both parents receive SSI, a maximum of $115.00 of the parents' combined SSI payments will be counted. Parents who receive SSI will continue to be excluded from the Reach Up assistance group for all other purposes. A child's SSI payment will not be counted, even if a parent receives the payment on behalf of the child. Caretakers' SSI payments will not be counted.

For purposes of this rule, the terms "SSI/AABD recipient" and "individuals receiving benefits under the SSI/AABD program" include disabled individuals who received SSI/AABD, became gainfully employed, and were subsequently granted 1619(b) status by the Social Security Administration. They shall continue to be considered SSI/AABD recipients during any months in which their 1619(b) status remains in effect, whether or not they receive an SSI/AABD payment during those months.

Formation of the Assistance Group

An individual participating in the Job Corps program who normally returns home on weekends is entitled to be a member of the Reach Up financial assistance group.

The assistance group shall not include a sibling or a parent subject to the five-year bar for qualified aliens. The income and resources of such a sibling shall not be considered in determining the eligibility and payment of otherwise eligible dependent children. The income of such a parent is considered available to otherwise eligible children after applying the following disregards.

A. The standard employment expense deduction (rule 2275) for each employed parent or the amount of earned income of the employed parent, whichever is less. In no case can the amount of the standard employment expense deduction for an employed parent exceed the amount of his or her gross earned income after deduction of any allowable self-employment business expenses.

B. All payments by such parents of alimony or child support for individuals not living in the household.

C. An amount equal to the need standard which is the sum of:

- the basic needs standard for a family size corresponding to the number of individuals, including the parents, who are or could be claimed as dependents for income tax purposes by the parents and
- the actual shelter expense up to the maximum applicable to the family's county of residence.

D. Amounts paid by the parents to individuals not living in the house but who are or could be claimed by the parents as dependents for income tax purposes.

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

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

Maximum Monthly Housing Allowance

Outside Chittenden County	Chittenden County
$400	$450

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

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

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

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

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

Housing Allowance

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

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

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

The most common types of subsidized housing are:

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

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

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

A. If housing construction is financed under F. H. A. but the recipient is not in a Rental Assistance unit, budget according to normal Reach Up procedures. Only 515 Rental Assistance units are budgeted as subsidized housing.

B. Section 236 housing should be budgeted according to normal Reach Up procedures unless a client lives in a Section 8 unit. Then budget as subsidized housing.

C. It is possible for a recipient to be in unsubsidized or private housing and have a Section 8 certificate, in which case budget as in subsidized housing.

For examples see Procedures P-2210 E.

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

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

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

A. When the household is composed of two or more assistance groups, with no non-recipient members:

1. Budget each group for full basic considering eligible members of the assistance group;

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

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

3. Any monetary contribution from another assistance group in the household to the assistance group responsible for the household expenses shall be treated as:

   a. Earned income: payment(s) for a service received, i.e., room and board (rule 2263.4);

   b. Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);

   c. Excluded income:

      i. a payment(s) to the Reach Up group responsible for household expenses by another assistance group member(s) for his or her share of common household expenses;

      ii. a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).

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

   d. When an assistance group member is the head of a household including one or more non-recipient members:

      i. Budget assistance group(s) for full basic considering eligible members of the assistance group;

      ii. Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum and the sum of all shares, including any non-recipient's share, not to exceed the total cost of housing;

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

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

(A) Earned income: payments for a service received, i.e., room and board (rule 2263.4);

(B) Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);

(C) Excluded income:

(1) a payment to the Reach Up group responsible for household expenses by a non-group member for his or her share of common household expenses;

(2) a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).

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

i. Budget assistance group(s) for full basic considering eligible members of the assistance group;

ii. Include housing cost as incurred by each recipient group, each group's share not to exceed the housing allowance maximum, and the sum of all shares, including any non-recipient's share, not to exceed the total cost of housing.

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

iii. Any monetary contribution from one or more assistance groups or non-recipient household member(s) to another assistance group in the household, treat as:

(A) Earned income: payments for a service received, i.e., room and board (rule 2263.4);

(B) Unearned income: general contributions unrelated to payment for shared expenses. (For occasional gifts and irregular contributions see rule 2271.3.);

(C) Excluded income:

(1) a payment to the Reach Up group responsible for household expenses by a non-group member for his or her share of common household expenses;

(2) a payment made directly to a non-resident landlord or mortgage holder (and not to any assistance group in the household).

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

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

Room and Board Allowances

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

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

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

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

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

A. Boarding allowance budgeted (see Board and Room).

B. Vendor payment by the department, under Medicaid, to a licensed nursing home or to a mental hospital on behalf of a recipient of Reach Up who qualifies for such payment.

C. Vendor payment by the department, under Reach Up-UF, to a licensed child-care institution on behalf of a child who qualifies for Reach Up-FC.

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

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

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

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

A. A licensed foster home (family home, family group home, professional group home); or

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

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

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

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

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

2363.8 Shelters and Transitional Housing

The housing allowance for residents of a shelter or transitional housing is the maximum housing allowance for a rental located in the county in which the shelter or transitional housing is located, in addition to the special needs housing allowance (if applicable). The housing allowance will always be the maximum housing allowance, in addition to the special needs housing allowance (if applicable), regardless of the family's incurred housing expenses.

2271 Unearned Income (04/01/2008, 08/02)

Unearned income includes the following:

A. Income from pension and benefit programs, such as social security, railroad retirement, veteran's pension or compensation, unemployment compensation, employer or individual private pension plans and annuities.

B. Income from capital investments in which the individual is not actively engaged in managerial effort.

C. Time payments on mortgages or notes resulting from a casual sale (i.e., a sale not related to self-employment) of real or personal property.

D. Voluntary contributions from others.

E. Child support in excess of $50 per month paid directly by OCS to families. The amount of direct child support prior to recoupment of an overpayment due to client error will be deducted from the family's Reach Up entitlement for the second month following the calendar month in which the child support was paid to OCS. (rule 2272)

F. $70.00 of a Housing and Urban Development (HUD) fuel or fuel-and-utility subsidy or $30.00 of a utility-only subsidy that has been included in HUD's calculation of the rent of a Reach Up family living in subsidized housing, thereby reducing its rental obligation by an equivalent amount. This amount is not limited to a subsidy actually paid to the Reach Up family. An applicant or participant who documents an actual subsidy amount less than the standard may have the actual amount counted as unearned income in benefit and eligibility calculations.

G. Reach First payments attributed to the months for which the family applies for Reach Up assistance.

H. $115.00 of a parent's SSI payment. If both parents receive SSI, a maximum of $115.00 of the parents' combined SSI payments will be counted. A child's SSI payment will not be counted, even if a parent receives the payment on behalf of the child. Caretakers' SSI payments will not be counted.

The full amount of available unearned income shall be applied to the payment standard, except for disregards specified under certain federal programs. (rule 2276)

Any nonexcluded income from student loans or grants shall also be converted to a monthly amount by averaging the total amount of the grant or loan over the period it is intended to cover.

Social Security - Railroad Retirement (07/01/1994, 94-12)

The full amount of Social Security or Railroad Retirement benefits awarded to members of the assistance group shall be considered, except that the Medicare Part B premium of a new recipient, which continues to be withheld from his benefit check pending completion of his transfer to the Department's "Buy-In" agreement, shall be disregarded until the benefit check increase is actually available to the recipient.

2271.2 Veterans Benefits (07/01/1994, 94-12)

The Veterans Administration allows any guardian appointed by that agency to retain 5 percent of the monthly award handled as reimbursement for guardian services. Income available to the applicant or recipient is the amount of the award reduced by the amount retained by the guardian.

2271.3 Contributions (07/01/1989, 89-24F)

Regular and predictable contributions (cash or in-kind) shall be considered unearned income. Occasional small gifts and/or irregular contributions shall be disregarded in budgetary computations, provided the amounts do not exceed $30 per recipient per calendar quarter. (For calendar quarters see rule 2272.2; for monetary contributions in shared households see rule 2263).

2276 Excluded Income (02/04/2012, 11-04)

A. Home produce used by the household for its own consumption.

B. Any income received by a recipient of SSI/AABD living in the Reach Up household, except for $115.00 of a parent's SSI payment (rules 2240, 2271).

C. All income to an undergraduate student (may include parent as well as child in Reach Up Grant) from student grants, loans, or work/study if:

1. such loans or grants are made under a program administered or insured by the U. S. Commissioner of Education; or

2. the sponsor of the grant or loan precludes its use for maintenance purposes; or

3. the work/study program is administered by a college or university recognized by educational authorities in which the undergraduate student is enrolled half time or more than half time, as defined in relation to the definition of full time used by the school.

Examples of excludable income sources: Basic Educational Opportunity Grants, Vermont Student Assistance Corporation grants or loans, Senatorial Scholarships, Supplemental Educational Opportunity Grants (SEOG), and College Work-Study Programs (CWSP).

That portion of any Veterans Administration Educational Assistance Program payment that is for the student and is actually used for tuition, books, fees, child care services necessary for enrollment, etc., is also excluded.

D. Student financial assistance provided under Title IV of the Higher Education Act or Bureau of Indian Affairs Student Assistance programs.

Examples of programs in Title IV of the Higher Education Act include:

1. Pell Grants;

2. Supplemental Educational Opportunity Grants (SEOG);

3. State Student Incentive Grants (SSIG);

4. College Work Study (CWSP);

5. Perkins Loans (formerly National Direct Student Loans). These are different from loans under the Carl D. Perkins Vocational and Applied Technology Education Act, which are not totally disregarded see 5 below;

6. Guaranteed Student Loans (GSLP), including PLUS loans and Supplemental Loans for students.

E. Student financial assistance provided under the Carl D. Perkins Vocational and Applied Technology Education Act is disregarded as income or resources when the assistance is made available to meet attendance costs. Attendance costs include:

1. tuition and fees normally assessed a student carrying the same academic workload as the applicant/recipient, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study as the applicant/recipient; and

2. an allowance for books, supplies, transportation, dependent care and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

Excluded Income

F. Reimbursements for expenses (child or dependent care, transportation, purchase or maintenance of clothing, meals, etc.) attributable to participation in unpaid voluntary activities, including the value of meals provided during the course of these activities, shall not be considered either earned or unearned income for the purpose of determining eligibility for or the amount of benefits to be received from the Reach Up program.

G. Aid from other sources to meet needs not covered by the assistance grant, for example:

1. Aid granted for a specific purpose, such as vocational rehabilitation, including incentive allowances being paid by the Division of Vocational Rehabilitation to an active Reach Up recipient.

2. Aid for items and/or services not included in the standard assistance plan or medical assistance, such as special training for a child through a private agency, eyeglasses, dental care, etc.

3. General Assistance benefits.

H. Payments made pursuant to a court order for support or alimony, or an Administrative Order for support issued by the Human Services Board, or a contract between the Office of Child Support and noncustodial parent requiring the payment of support. This income exclusion is limited to payments actually made by a member of the assistance group toward the support of a person(s) outside the assistance group. The payment amount is deducted first from the assistance group's countable earned income with any balance deducted from unearned income.

I. Federally subsidized adoption assistance for special needs children, when verified by the Family Services Division (FSD) or a comparable agency in another state.

J. Payments for dependent care for a child who is not a member of the Reach Up assistance group but for whom a Reach Up parent, stepparent or caretaker is legally liable. The child and the child care must meet the requirements in rule 2316.

The provider of care must be at least 18 years of age, or at least 16 years of age if the provider has a high school diploma or GED or attends secondary school full time, and must meet the conditions specified under rule 2316 for providers of child care.

The actual amount paid or the FSD maximum payment rate for child care, whichever is less, shall be deducted from the parents or caretakers countable gross earned income.

K. In determining the countable income of a nonparental caretaker (rule 2221), payments for dependent care for an incapacitated spouse or other household member who is or could be claimed by the caretaker as a tax dependent.

The dependent care must be necessary for the employment of the nonparental caretaker. Payments for dependent care provided by a member of the assistance group, other legally liable relative or legal guardian do not qualify as necessary dependent care expenses under this policy.

The provider of care must be 16 years of age or older and submit a completed and signed form 218 P. The child must meet the age requirements in rule 2316.1.

The actual amount paid, up to a maximum of $175 per month, shall be deducted from the household's gross earned income.

L. The value of 3SquaresVT benefits under the Food Stamp Act of 1977.

M. The value of the U. S. Department of Agriculture donated foods (surplus commodities).

Excluded Income

N. Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

O. Earned income of an eligible child if the child is a full- or part-time student. A student is a person who is enrolled in a school, college, university, or a course of vocational or technical training designed to fit him or her for gainful employment. The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break.

P. Court ordered cash contributions for medical support paid by a noncustodial parent.

Q. Payments for support services and/or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives and Active Corps of Executives and any other program under Titles II and III pursuant to Section 418 of P.L. 93-133.

R. Payments to individual volunteers under Title I of P.L. 93-133 Section 404(g), University Year For Action payments under P.L. 93-113, and PL 96-143, Section 9 (VISTA) payments, unless determined by the Director of ACTION to be equivalent to or greater than the federal or state minimum wage.

S. The tax-exempt portions of payments made pursuant to P.L. 92-203 (Alaska Native Claims Settlement Act of 1973).

T. Payments distributed per capita to or held in trust for members of any Indian Tribe under P. L. 92-254, P.L. 93-134, or P.L. 94-540.

U. Payments received for the care of foster children in the custody of and placed by the Family Services Division.

The room-and-board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Department of Developmental and Mental Health Services (DDMHS) or by a developmental or mental health services agency under contract with DDMHS. (See 2253.2).

V. Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under the U. S. Housing Act of 1937, as amended.

W. Reach Up support services, either as reimbursements or advance payments to the individual for child care, transportation, work-related expenses, work-related supportive services, education, or training-related supportive services.

Payments or reimbursements for child care expenses provided under Child Care Assistance for non-participants in Reach Up are also excluded as income in determining eligibility for or the benefit amount in Reach Up .

X. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older American Act of 1965, as amended.

Y. The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the Special Food Service Program for children under the National School Lunch Act, as amended (P.L. 92- 433 and P.L. 93- 150).

Z. Receipts distributed to members of certain Indian tribes referred to in Section 5 of P.L. 94-114 effective October 17, 1975.

AA. Any income received from an emergency fuel supplement or energy allowance to assist with the cost of heating.

Excluded Income

AB. The first $50 in child support payments made by an absent parent on behalf of an assistance group member within each calendar month. When more than one absent parent makes child support payments on behalf of a single Reach Up assistance group in the same calendar month, the maximum amount of child support to be disregarded in determining the assistance group's eligibility is $50.

AC. Payments to persons of Japanese or Aleut ancestry as restitution for injustices suffered during the Second World War.

AD. Vermont and Federal Earned Income Tax Credits (EITC), whether received with each paycheck or as a refund (lump sum), shall not be counted as income.

AE. Payments made from the Agent Orange Settlement Fund or any other fund established because of the Agent Orange product liability litigation are excluded as income in determining eligibility for or the benefit amount in Reach Up financial assistance. This provision is retroactive to January 1, 1989 according to P.L. 101-201 enacted December 6, 1989 and P.L. 101-239 enacted December 19, 1989.

AF. Payments made pursuant to the Radiation Exposure Compensation Act (Public Law 101-426).

AG. Payments made under Indian Trust Funds Acts (Public Laws 97-458 and 98-64) and initial purchases made with such funds by the original recipient of the funds.

AH. Interest held in a trust or in restricted lands pursuant to section 8 of Public Law 93-134 and up to $2,000 annual income received from the lease or other uses of the individually-owned trust or restricted lands.

AI. Distributions made under Public Law 100-241 which amended the Alaska Native Claims Settlement Act as follows:

1. cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed $2000 per individual per calendar year; or
2. stock including stock issued or distributed by a Native Corporation as a dividend or distribution on stock; or
3. a partnership interest; or
4. land or an interest in land, including land or an interest in land received from a Native Corporation as a dividend or distribution on stock; or
5. an interest in a settlement trust.

AJ. Payments made pursuant to the Maine Indian Claims Settlement Act of 1980 to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation, or the Houlton Band of Maliseet Indians.

AK. Payments made to a member of the Aroostook Band of Micmacs pursuant to the Aroostook Band of Micmacs Settlement Act.

AL. Financial assistance paid through the Disaster Relief Act of 1974 as amended by Public Law 100-707 in 1988 and provided as major disaster and emergency assistance is excluded both as income and a resource in determining eligibility or benefit levels. This disaster coverage is intended to provide relief to people living or working in an area severely struck by natural or man-made disaster. The disaster must have been so severe as to cause the President to designate a Federal Disaster Zone. Additional relief provided under these circumstances by States, local governments and disaster assistance organizations is also excluded.

Excluded Income

AM. German reparations to concentration camp survivors, slave laborers, partisans, and other victims of the Holocaust. Settlement payments to victims of Nazi persecution or their legal heirs resulting from the confiscation of assets during World War II.

2282 Real Property (11/01/1984, 84-54)

Real property is defined for purposes of public assistance eligibility as land or property (i.e. buildings) affixed thereto. All mobile homes shall be considered "real" property.

Real property owned, used and occupied as a home by the applicant or recipient or spouse or minor child(ren), regardless of value shall be excluded from combined resources subject to limitation.

The value of the applicant's or recipient's equity in real property which is owned, but is not being occupied as a home by the applicant or recipient or spouse or minor child(ren), may be excluded from the total combined resources for a period of up to 6 months provided the family is making a good faith effort to sell the property. Assistance paid during this period shall be considered an overpayment, since Reach Up would not have been granted had the owner had the proceeds of the sale in hand. The recipient must agree that the proceeds of the sale shall be used to repay the Reach Up paid. The balance shall be counted as a resource.

If at the end of six months the property has not sold, and the recipient continues to demonstrate a good faith effort to sell, the equity may be excluded from resources for a further period of 3 months with the approval of the District Director. At the end of that time the equity in the property, if still unsold, must be considered as a resource.

When an applicant or recipient and eligible child(ren) are temporarily living at a location other than property owned, and that property was previously used and occupied as their home, expenses necessary to maintain their former home for their return shall be allowed in accord with "temporary absence". (rule 2264) When absence continues beyond six months, exemption of the property as "a home" must be re-evaluated in light of the circumstances precluding their return to the home and the expected duration of their absence from the home.

For treatment of any real property which is transferred, see "Transfer or Assignment Prohibited" (rule 2281.l).

2315 Criteria for Purchase of Support Services (04/01/2008, 08-02)

The departments funding for the purchase of support services is limited by the type of service and the circumstances related to the need for the service. Within the limits established in the support services matrix, the department may pay for specific services, subject to the following conditions.

A. Child Care

Child care assistance is generally provided by the child care subsidy program of the department's Child Development Division (CDD) (rule 2316), but ESD may pay for child care in the situations specified in rule 2316.3.

B. Transportation and Related Costs

The department may reimburse Reach Up participants for travel to and from a countable work activity or other FDP-approved activity directly related to attainment of the employment goal as long as the participant is not paid subsidized or unsubsidized wages for engaging in the activity. Such reimbursements are subject to a maximum amount per participant over an established time period. Reimbursement for mileage does not require documentation of its cost.

When no other alternative is available, a participant may be authorized to use the Medicaid transportation system on a temporary basis to enable the individual to travel to and from an approved activity.

The department may reimburse participants for transportation to and from a wage-paying work activity or job when all of the following conditions are met:

- The participant has no other means of paying for such transportation.
- Without such reimbursement, the participant would be unable to retain the job or wage-paying work activity.
- During the past month, the participant has documented the use of an amount equal to the amount deducted or disregarded from earnings in the calculation of the family's assistance grant to pay for employment expenses and one or more extraordinary nonrecurring expense incurred due to circumstances beyond the participant's control.
- Such reimbursement is for a period of no more than two weeks.
- The recipient has not already received such reimbursement during the current state fiscal year.

The department may also reimburse participants for travel to and from a wage-paying work activity or job until they receive their first paycheck.

When a participant must use or plan to use a personal vehicle belonging to the participant or a member of the participants immediate family to get to an FDP activity or to employment, the department may authorize payment of the following expenses related to the participant and the personal vehicle: a drivers license, required vehicle insurance, vehicle registration, and repairs necessary to make the vehicle operable and pass inspection.

Out-of-state travel shall be authorized only for approved program activities that take place out of state or for out-of-state job interviews. Such authorizations are subject to established maximum amounts.

C. Education and Training Expenses

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 books and supplies needed to participate in one or more of the following activities:

- vocational education;
- job skills training;
- basic education directly related to employment; or
- for parents considering pursuit of a two- or four-year postsecondary degree, a "try-out" course included in the participant's FDP.

In addition, the department may authorize payment of registration, lab, testing, and other mandatory fees.

Within spending limits, the department may authorize payment for some or all of the tuition for the activities specified above when one or both of the following conditions are met:

- The payment requested is for tuition in excess of financial aid limits on nondegree tuition (e.g., tuition for a commercial drivers license).
- Financial aid for nondegree tuition has been exhausted.

Authorization of payment for tuition in any other situation shall be authorized only when no employment goal can be pursued without the need for tuition and only with the approval of the Welfare-to-Work Programs Director or designee.

D. Work-Related Equipment

The department may authorize payment up to established maximum amounts for equipment necessary for an individual to accept or continue employment.

E. Clothing

Subject to maximum amounts, the department may authorize the purchase of clothing necessary for a job interview and uniforms, work shoes, or other wearing apparel specifically required for employment. In addition, payment for haircuts and styling may be authorized for the same reasons and with the same limitation as to maximum amounts.

F. Relocation Costs

The department may authorize payment of relocation costs only when a Reach Up participant makes a permanent move necessary for the individual to participate in an FDP activity or to accept or continue employment. Relocation costs are limited to costs attributable to rental of a motor vehicle and related equipment needed to move household furnishings and equipment and other personal effects. If an alternative relocation method costs no more than the rental of a motor vehicle and related equipment, as described above, the alternative method may be authorized.

G. Temporary Housing

The department may authorize payment for temporary housing when it is necessary to enable a Reach Up participant to accomplish the following:

- participate in an FDP activity;
- attend a job interview at a great distance from the participant's residence; or
- search for permanent housing when a permanent move is necessary for the individual to

participate in an FDP activity or accept or continue employment.

Only the Welfare-to-Work Programs Director or the directors designee may authorize temporary housing, and such authorization is subject to maximum amounts.

H. Other Support Services

Authorization of payment for support services not specified above requires the approval of the Welfare-to-Work Programs Director or the directors designee on a case-by-case basis.

2335 Adult Participants (02/04/2012, 11-04)

The following requirements apply to every participating adult, including minor parents (rule 2336), unless an exception is noted.

- Each adult shall participate in the development of the FDP.
- Each adult who is not referred to the Department of Labor (DOL) at the time of the application for financial assistance shall report as directed by the case manager for assessment and evaluation activities.
- Each participating adult shall begin to comply with the FDP requirements as soon as the requirement is included in the FDP and available.
- Adults shall engage in their FDP activities for the number of hours per week that the activities are scheduled and available, unless good cause (rule 2363) exists for not doing so.
- When required by the case manager, the participant shall provide written verification from the service provider or project supervisor of attendance and participation in any FDP activity. The frequency of the verification will depend upon the intensity and duration of the activity. A case manager shall assist a participant having difficulty obtaining verification from the service provider at the participant's request.
- Each adult shall continue to comply with the FDP requirements.
- Adult participants who apply for SSI for themselves or apply for SSI on behalf of a child in their care, or who are pending a decision on an SSI application, shall have an FDP requirement of completing an agreement authorizing the department's recovery of Reach Up funded with state funds from SSI retroactive payments, according to the specifications in rule 2391.4.

2235.1 Requirement to Report to VDOL (07/01/2001, 00-22)

When an adult referred to the Department of Labor (DOL) at the time of filing an application for financial assistance fails to report and cooperate with the directives of the DOL worker without good cause, the department will deny financial assistance to the adults family. Adults required to report to DOL include applicant parents who join a household in receipt of financial assistance. An adult who accepts employment after reporting as directed may receive Reach Up services, provided that the family is eligible for such services in accordance with department rules. The following adults shall report to DOL for job search within two working days of having filed an application for Reach Up financial assistance and shall accept any unsubsidized job offered:

- Adults who are not the primary caretakers of the children in two-parent families with two able-to-work parents, except for minor parents (rule 2336).
- Both adults who choose to share the work requirement (rule 2343.1) in two-parent families with two able-to-work parents. If the principal-earner parent fails to report without good cause, the department shall deny the family's Reach Up assistance application. If the primary caretaker parent fails to report to DOL without good cause, the sharing option will no longer be available, and the principal-earner parent will have full responsibility for meeting the reporting and work requirements.

- Single parents, caretakers, and able-to-work parents in two-parent families with an able-to-work-part-time or unable-to-work parent, provided that such adults:
  - have no barriers to obtaining and maintaining a job;
  - have a recent and stable work history; and
  - received wages for their most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family's size.

For purposes of this section, a recent and stable work history is demonstrated when the adults most recent job was within the past 12 months and the adult worked in that position for at least six months. The annualized wage is determined by multiplying the hourly wage by 2080, the number of hours in a full year of 40-hour work weeks, even if the adult did not work 40 hours per week.

2235.2 Primary Caretaker Parents (07/01/2001, 00-22)

Primary caretaker parents not sharing a work requirement must meet with the case manager for assessment, to develop their FDP, and to establish an employment goal. As long as the principal-earner parent reports to DOL and fulfills the work requirement, the primary caretaker parent is not required to pursue an employment goal or fulfill the work requirement. The FDP of a primary

caretaker parent shall, however, include requirements to participate in activities essential to the principal-earner parents fulfillment of the work requirement.

Subject to program rules and limitations, the department will provide support services to primary caretaker parents who elect to engage in any of the following FDP activities:

- parenting classes or activities designed to address an identified parenting need;
- pursuit of a secondary education diploma or participation in a recognized equivalent program;
- substance abuse, mental health, or domestic abuse counseling; and
- pursuit of an employment goal within the program time limits (rule 2322).

2350 Work and Work Activities (12/01/2006, 06-24)

Work activities are the activities that participants must engage in to fulfill their work requirement (rule 2340). Only the types of activities specified in this section may be counted toward fulfillment of the work requirement. An approved activity is an activity that has been approved by the case manager as an FDP requirement. A countable activity is one that can be counted toward the hours of a participant's work requirement, in accordance with Reach Up rules.

Before participants are work-ready, they shall engage in any work activities they can perform, as long as the case manager has approved the activity, the activity is included in the participant's FDP, and participation in the activity leads to attainment of the participant's employment goal. After a participant is work-ready, the participant must engage in the approved work activities that are countable toward that participants work requirement and support the most expeditious attainment of the participant's employment goal.

The following sections describe the general categories of work activities that may be counted toward fulfillment of the work requirement. As shown below, nine of the activities are "core activities" and three of the activities are "non-core activities."

Core Activities

2350.1 Unsubsidized Employment Subsidized
2350.2 Private Employment Subsidized
2350.3 Public Employment Work Experience
2350.4 On-the-Job Training
2350.5 Job Search and Job Readiness Assistance Community
2350.6 Service Programs
2350.7 Vocational Education
2350.8 Provision of Child Care Services to an Individual Who is Participating in a Community Service
2350.12 Program.

Non-core Activities

Job Skills Training Directly Related to Employment
2350.9 Education Directly Related to Employment (Exception - Core activity for teen parent)
2350.10 Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of
2350.11 General Equivalence (Exception - Core activity for teen parent)

Hours of participation in core activities count in full toward any hours of a participant's work requirement. Hours of participation in non-core activities only count toward a participant's work requirement after the participant has engaged in a minimum number of weekly hours in core activities. Participants with a work requirement of fewer than 35 hours must engage in 20 hours per week of core activities before hours of participation in non-core activities may count toward the work requirement. Participants with a work requirement of 35 or more hours must engage in 30 hours per week of core activities before hours of participation in non-core activities may count toward the work requirement. Additional limitations or restrictions on participation in a specific activity, if they exist, are addressed in the section pertaining to that activity.

2350.1 Unsubsidized Employment (12/01/2006, 06-24)

Unsubsidized employment is a core activity. 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.

Self-employment is a type of unsubsidized employment. Self-employment is working for oneself in a job that results in net income to the participant, after business expenses, of no less than the sum of Vermont's minimum wage multiplied by the number of hours the participant claims as working in self-employment.

A participant may count hours engaged in self-employment when the participant is meeting the full work requirement with hours in self-employment or in self-employment combined with hours in other countable work activities.

Participants may count toward their work requirement hours engaged in self-employment when:

- The hours the participant claims as engaged in self-employment are either verifiable as specified in Vermont's federally-approved work verification plan or net the participant the Vermont minimum wage after business costs calculated consistent with Reach Up financial eligibility rules;
- The self-employment is included in the participant's FDP as an approved activity; and
- The hours the participant engages in self-employment alone or when combined with hours the participant spends in other approved and countable activities fulfills the participant's entire work requirement.

2350.2 Subsidized Private Employment (12/01/2006, 06-24)

Subsidized private employment is a core activity. Subsidized private employment is a job in the private sector that pays wages that are subsidized with Reach Up or other public funds or for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a participant. Subsidized employment includes supported employment for individuals who have disabilities when it is supported with TANF or public funds.

2350.3 Subsidized Public Employment (12/01/2006, 06-24)

Subsidized public employment is a core activity. Subsidized public employment is the same as subsidized private employment in all respects except that the job is in a public sector employment setting.

2350.4 Work Experience (12/01/2006, 06-24)

Work experience is a core activity. Participants engaged in this activity are not employees of the worksite or the state of Vermont.

Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available means a work activity, performed in return for welfare, that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot find unsubsidized full-time employment. This activity must be supervised by an employer, work site sponsor, or other responsible party on an ongoing basis no less

frequently than once in each day in which the individual is scheduled to participate.

2350.5 On-the-Job Training (12/01/2006, 06-24)

On-the-job training is a core activity. On-the-job training means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.

2350.6 Job Search and Job Readiness

Job search is a core activity. Job search includes a variety of activities that are designed to improve the participant's employment prospects and that are supervised on a daily basis. This is an appropriate activity for any participant seeking unsubsidized employment or needing skills that will prepare
the participant to seek, obtain, perform and maintain a job. For example, job search includes the following types of employment readiness activities:

- resume and application preparation;
- job interviews;
- work search and work-search training;
- life skills training; and
- substance abuse treatment, mental health treatment or rehabilitation activities for those who are otherwise employable, when determined to be necessary and certified by a qualified medical and mental health professional.

For purposes of the federal work participation rate, participants may count hours engaged in this activity up to their entire weekly hour requirement. This activity may however count for only up to six weeks during a twelve-month period.

For purposes of the 12-month limit to six weeks on job search, one week equals the number of hours of the participant's work requirement. A participant with a 30 hour work requirement is limited to no more than 180 hours of job search in the 12-month period and a participant with a 20 hour work requirement is limited to 120 hours of job search in the 12-month period. For purposes of the four consecutive weeks limitation, any hours of job search in a week counts toward that limitation. Participants may use their six weeks of job search in any hourly increments as long as they do not exceed their limit and have no more than four consecutive weeks with any hours of job search.

The twelve-month period is determined by the preceding 12 months of participation, but shall not include any time before October 1, 2008. Of the six weeks, only four may be consecutive, and the case manager shall approve the activity in periods of no longer than two weeks. In no event shall the department require an individual to participate in job search for more than four weeks before an assessment of the participant's employability is completed. If the participant's assessment reveals reasons why job search is not an appropriate activity for the participant, the requirement to participate in job search shall be terminated.

Work and Work Activities

2350.7 Community Service Programs (12/01/2006, 06-24)

Community service is a core activity. Community service programs are structured activities monitored by the case manager or other entity. Hours a participant spends in community service provide a benefit to the community or member of the community. The placements may be located at public or nonprofit sites with local supervision on a daily basis. Hours a participant engages in any type of organized community service placement, including those organized and required by the corrections department or diversion program, are community service programs within this activity. Participants in this work activity are not employees of the placement site or of the state of Vermont.

Placement in this activity will provide participants with the opportunity to maintain their employment skills as well as to demonstrate their employment potential when they have been unable to obtain subsidized or unsubsidized work. The placement may also provide training and experience designed to enhance the participant's skills.

Placement in community service programs arranged by the department must be conducted in accordance with a contract between the department and the placement that specifies provisions such as length of placement, development of job skills, and release time for job search.

2350.8 Vocational Education (12/01/2001, 06-24)

Vocational education is a core activity. Vocational education means organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations. The program must provide daily supervision. Federal law limits participation in this activity to no more than 12 months for any individual.

Examples of vocational education include training programs to become a nurses aide, a licensed practical nurse, or an auto mechanic. It also includes organized educational programs directly related to the preparation of individuals for paid employment in such fields as agriculture, education, business occupations, home economics, health occupations, marketing and distributive occupations, technical and emerging occupations, modern industrial and agriculture arts, and trades and industrial occupations. Vocational education includes hours a participant is engaged in postsecondary education in accordance with an education plan for a degree approved by the department for up to 12 months.

2350.9 Job Skills Training (12/01/2006, 06-24)

Job skills training is a non-core activity. Job skills training means education or training that enables the participant to become proficient in an occupation or skill necessary to meet the participant's employment goal. Participation in job skills training must be supervised daily and develop or enhance skills directly related to the participant's attainment of, retention of, or advancement in an unsubsidized job available in the local or adjacent labor market or in some other labor market to which the participant is willing to relocate. The jobs skills training must be directly related to employment if the hours of participation are to be counted toward the participant's work requirement.

Because job skills training is a non-core activity, hours of participation in this activity only count toward participant's work requirements after they have met their minimum requirement of hours in a core activity. Participants with a work activity of fewer than 35 hours must first engage in 20 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Participants with a work activity of 35 or more hours must first engage in 30 hours per week of a core activity before hours of participation in this activity count toward their work requirement.

2350.10 Education Related to Employment (12/01/2006, 06-24)

Education directly related to employment is a non-core activity. Participation in this work activity is limited to participants without a high school diploma or certificate of high school equivalency and must be supervised daily. Adult participants younger than 20 may participate in this activity to meet their full alternative work requirement as defined in rule 2343.3.

Because education directly related to employment is a non-core activity, hours of participation in this activity only count toward participants' work requirements after they have met their minimum requirement of hours in a core activity. Participants with a work activity of fewer than 35 hours must first engage in 20 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Participants with a work activity of 35 or more hours must first engage in 30 hours per week of a core activity before hours of participation in this activity count toward their work requirement.

Education directly related to employment includes the following:

- basic and remedial education that will provide an individual with basic literacy equivalent to at least grade 8.9;
- education in English proficiency when an individual is unable to understand, speak, read, or write the English language at a level necessary to obtain employment consistent with the participant's employment goal;
- education designed to prepare a person to qualify for a high school diploma or its equivalent; and
- a secondary school program.

2350.11 Satisfactory Attendance at Secondary School (12/01/2006, 06-24)

Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence is a non-core activity. This is a countable activity for participants who have not completed high school or received a certificate of general equivalence and who regularly attend, in accordance with the requirements of the school or course of study, and receive daily supervision.

Because satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence is a non-core activity, hours of participation in this activity only count toward participants' work requirements after they have met their minimum requirement of hours in a core activity. Participants with a work activity of fewer than 35 hours must first engage in 20 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Participants with a work activity of 35 or more hours must first engage in 30 hours per week of a core activity before hours of participation in this activity count toward their work requirement. Adult participants younger than 20 may participate in this activity to meet their full alternative work requirement as defined in rule 2343.3.

2350.12 Child Care Services to CSP Participant. (02/01/2009, 08-10)

Provision of child care services to an individual who is participating in a community service program is a core activity. Participation in this activity must be done with daily supervision.

2363 Deferment or Modification of WorkRequirement (05/01/2014, 13-42)

The work requirement shall be either modified or deferred for:

A. A participant for whom no unsubsidized or subsidized job or other approved work activity is available.

B. A participant for whom support services identified in the FDP and essential to employment or participation in other required work activities cannot be arranged within the time frames allowed for completion of the participation phases (rule 2322). Such services shall include case management, education, job training, child care, and transportation. A deferment or modification on these grounds is available only if the case manager, after reviewing the FDP pursuant to rule 2333, determines that modifying the FDP to include an alternative activity or employment goal is not possible.

C. Primary caretaker parents in a two-parent family in which one parent is able-to-work-part-time or unable-to-work, single parents, and caretakers if they are caring for a child under 24 months old and request a deferment on this basis. A participant's work requirement shall be deferred for thisreason no more than 24 months during a lifetime.

D. An individual who has exhausted the 24-month deferment for caring for a child under 24 months old and is caring for a child not yet 13 weeks old.

E. A primary caretaker parent in a family with two able-to-work parents where the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned. This deferment is not available to two-parent families when the parents share the work requirement unless one parent receives paid parental leave from the job or one parent temporarily assumes the total work requirement so the other parent may remain at home with the child. In the case of one parent assuming the full work requirement, that parent shall fulfill the work requirement in subsidized employment or other work activities if unsubsidized employment is not available. If the parents intend to resume the sharing arrangement, they must do so by the end of the 13-week deferment period.

F. A participant needed in the home on a full- or part-time basis to care for a disabled or seriously ill parent, spouse, civil union partner, or child. A disabled or seriously ill person in this context is someone who requires continuing in-home care under the direction of a physician as a result of an accident, disease, physical, or mental condition and also meets one of the following criteria:

- The person is expected to require care for at least two weeks and no more than 12 weeks.
- The person is expected to require care for more than 12 weeks, and no alternative care that enables the participant to fulfill the unmodified work requirement can be arranged.
- The person has a terminal illness and has a life expectancy of less than 12 months.

Deferment or Modification of Work Requirement

The department's medical review team, using documentation provided by a physician or licensed psychologist, certifies whether a participant is eligible for a deferment or modification of the work requirement based on being needed in the home as defined herein. In granting this deferment, consideration shall include:

- the needs of the disabled or seriously ill person,
- available and appropriate community resources and supports, and
- the participant's preferences as to the number of hours the participant is able to leave home to participate in work activities.

A deferral or modification of the work requirement exceeding 60 days shall be confirmed by the independent medical review of one or more physicians designated by the Secretary.

G. A participant at least 20 years old who is engaged in at least 25 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or general educational development (GED) certificate. A related learning activity is a scheduled activity the participant is required to attend as part of the course of study leading to attainment of the high school diploma or GED. This deferment is available provided that:

- the participant is making satisfactory progress toward the attainment of such diploma or certificate;
- the participant documents the satisfactory progress by providing the case manager with grades or evaluations as frequently as indicated by the duration and intensity of the program; and
- the deferment or modification granted for this purpose does not exceed six months.

H. A parent or caretaker age 60 or older.

I. A participant unable to fulfill the applicable work requirement due to the effects of domestic violence, as determined in accordance with rule 2363.1.

J. A participant who requests a modification or deferment of the work requirement on the basis of an unpaid leave of absence from employment to which the participant is entitled under Vermont's Parental and Family Leave statute (21 V. S. A. Subchapter 4A) and provides verification that his or her employer has approved this leave of absence.

2363.1 Domestic Violence Deferment or Modification (02/01/2013, 12-18)

When a participant requests a deferment or modification due to the effects of domestic violence, the department shall make an individualized assessment of the family situation and available documentation to determine whether the request shall be granted. The department shall grant a deferment or modification when, due to the effects of the domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs the participant's capacity either to fulfill the requirements or to care for a child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child. These effects may be the result of domestic violence that occurred in the past or is occurring in the present.

Deferment or Modification of Work Requirement

Using a form provided by the department, the participant shall complete a written statement providing information about the domestic violence and its effects. The participant may attach supporting documentation to the form and refer to the attached documentation instead of rewriting the same information in the statement. In every case, the department shall inquire whether the participant needs help completing the written statement or obtaining additional documentation and, if so, provide that help.

Supporting documentation is not necessary if the participant's written statement is sufficiently detailed, consistent, and credible. If the department determines that supporting documentation may be needed to resolve any deficiencies or inconsistencies in the written statement, the following items are examples of acceptable documentation:

- medical records (for example, from a doctor, dentist, nurse, nurse practitioner, physician assistant, or public health nurse);
- court documents (for example, relief from abuse orders, divorce findings, criminal proceedings including charges, not just convictions);
- police reports;
- statements from victim advocates in state's attorneys' offices;
- statements from staff working in a domestic violence program;
- school personnel reports;
- reports from other professionals (for example, private therapists, mental health or Family Services Division staff);
- statements from neighbors or employers; or
- sworn affidavits from family and friends.

If, for any reason, the participant is unable or unwilling to provide supporting documentation, the department shall not require the participant to provide such documentation and the decision to grant or deny the deferment or modification shall be based on the participant's written statement alone.

The department may grant an initial deferment or modification due to the effects of domestic violence for a period up to six months. In the case of a participant capable of working part-time, the department shall modify the work requirement to reflect the number of hours the participant can work.

The department may extend the deferment or modification for a period of up to six months at a time. There is no limit to the number of times the exemption may be extended, as long as the conditions for extending it, described below, are met. No additional verification of domestic violence is required if circumstances have not changed.

To retain the exemption or an extension of the exemption, the participant must participate constructively in the development and, where applicable, modification of a family development plan (FDP) that addresses the effects of domestic violence. In addition, the participant must participate in FDP-approved activities and complete them satisfactorily, as determined by the case manager.

2363.2 Medical Deferment or Modification (05/01/2014, 13-42)

A participant's request to be considered unable-to-work or able-to-work-part-time shall be processed according to the following rules.

If, in the case managers judgment, the medical condition limits, but does not prevent, the participant from meeting the full work requirement, the case manager will work with the participant to develop an FDP or modify an existing FDP, taking the limitations of the condition into account. No deferment or modification shall be approved.

Participants determined disabled for the purposes of receiving SSI/AABD, social security disability payments, or Medicaid shall be considered unable-to-work and granted a deferment. They may be referred to vocational rehabilitation services on a volunteer basis.

The department may grant a deferment or modification to other participants, not determined disabled, who claim a medical condition expected to last fewer than 90 days. Such participants shall continue to work with their case manager to develop an FDP, allowing an accommodation for the condition up to 90 days, and participate in FPD-approved activities to the extent possible. Participants requesting an extension of their deferment or modification shall be screened for referral for eligibility for vocational rehabilitation services and, if appropriate, referred to the vocational rehabilitation services provider.

Participants not determined disabled who claim a condition expected to last more than 90 days shall be screened for referral for eligibility for vocational rehabilitation services and, if appropriate, referred to the vocational rehabilitation services provider.

The department reserves the rights to review the basis of a participant's medical deferment or modification at any time.

A deferral or modification of the work requirement exceeding 60 days shall be confirmed by the independent medical review of one or more physicians designated by the Secretary.

To determine whether participants are able to do any work, the medical review team shall review their residual functional capacity, age, education, and work experience, based on information supplied by the case manager, reports obtained from the treating physician and other health care professionals who have examined the participant, and the participant's estimate of the number of hours the participant is able to work. In the case of a participant receiving medical care through a managed care program, the determination will be made on the basis of information provided by the participant's primary care provider (PCP) or by a medical professional to whom the participant was referred by the PCP.

The medical review team may obtain consultative reports if any of the following conditions exist:

- the treating physician's opinion is contradicted by evidence in the record;
- the vocational rehabilitation services provider or a similar professional familiar with the participant recommends consultation;
- the participant's physician has not treated the participant for the condition; or
- the participant has multiple conditions, all of which have not been treated by the participant's physician.

Deferment or Modification of Work Requirement

Functional capacity includes mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills.

In cases in which the participant has been terminated from vocational rehabilitation services without completing all required activities leading to the employment goal and has been determined able-to- work-part-time or unable-to-work by the medical review team, the case manager shall work with the participant to develop or modify the FDP. Appropriate medical treatments identified by the medical review team or the participant's physician shall be specified as FDP requirements. In addition, the case manager and the participant shall specify nonmedical FDP activities and requirements based on the participant's diagnosis, functional capacity, and need. Participants will be expected to undergo surgical procedures recommended as part of a treatment plan; a participant will not be required to do so, however, if less invasive methods of treatment exist or the participant objects to the procedure based on religious grounds.

To retain the deferment or modification, the participant must participate constructively in the development and, where applicable, modification of a family development plan (FDP) that addresses the basis of the medical deferment or modification. In addition, the participant must participate in FDP-approved activities and complete them satisfactorily, as determined by the case manager.

Notwithstanding the rules in this section, the department reserves the right to review and deny or terminate a medical deferment or modification.

2410 Initial Eligibility

A. Financial Eligibility (05/01/14, 13-42)

1. Applicants shall demonstrate financial eligibility for the thirty-day period preceding the date of application.

2. Gross income shall be the basis for determining financial eligibility for the PSE program.

3. Verification of income shall be provided in accordance with the Reach Up program regulations.

4. The family's gross income minus the participating parent's earnings shall not exceed 150 percent of the federal poverty level for a family of the applicant family's size.

5. Gross income shall be determined using Reach Up rules.

B. Financial Eligibility for PSE Financial Assistance (05/01/2014, 13-42)

Applicants for financial assistance must meet the same financial eligibility qualifications as Reach Up applicants according to Reach Up financial eligibility rules. The 60-month time limit (rule 2238) does not apply to PSE recipients.

C. Financial Eligibility for Case Management Services (04/01/2008, 08-02)

1. All applicants who qualify for financial assistance automatically meet financial eligibility for case management services.

2. All applicants who qualify for financial assistance and subsequently are not eligible for financial assistance due to a change in circumstances continue to be eligible for case management during the program year in which the loss occurred and until the date of their next annual review provided they meet all the criteria at rule 2410.

3. Applicants who qualify for participation in the program, but do not qualify for PSE financial assistance may receive case management services

D. Non-Financial Eligibility (04/01/2008, 08-02)

All financially eligible families who apply to participate in the postsecondary education program shall be considered for admission, pursuant to the following conditions:

1. The applicant has the literacy skills necessary to participate successfully in the PSE program.

2. The applicant has a PSE plan that has been approved by the PSE plan review committee.

3. Only one parent per family may participate in the PSE program at the same time. For purposes of this condition, family includes two parents who live apart, but equally share physical custody of their child(ren).

Initial Eligibility

4. In a two-parent family, the non-participating parent shall:

   a. Be employed full time, if able-to-work;
   b. Be employed part time, if able-to-work-part-time; or
   c. Be unable-to-work

5. The applicant does not have a postsecondary undergraduate degree or, if the applicant already has a postsecondary undergraduate degree:

   a. The occupations for which it prepared the applicant are obsolete, as determined by the commissioner or the commissioner's designee (rule 2426);
   b. The applicant can no longer perform the occupations for which the degree prepared him or her due to a disability, as determined by the commissioner or the commissioner's designee (rule 2426); or
   c. The preparation for occupations received by the applicant through the postsecondary undergraduate degree is outdated and not marketable in the current labor market, as determined by the commissioner or the commissioner's designee (rule 2426).

6. The applicant is a matriculating or matriculated student in two-year or four-year postsecondary undergraduate degree program as specified in the applicant's PSE plan.

7. The applicant has been determined eligible for financial assistance from VSAC and can demonstrate the ability to cover tuition costs

8. The applicant agrees to limit employment to no more than 20 hours per week when school is in session. At the parent'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.

   b. The additional hours of employment are in a position that either will result in credits toward the participant's degree or enhance the student's marketability in the field or her or his course of study.

9. The 20-hour limit on hours of work per week shall be applied as follow in these special situations:

   a. a. Single-parent applicants providing specialized foster care, professional parenting, or the equivalent to children in the custody of the Department for Children and Families (DCF) or not in DCF custody but placed in foster care by a licensed child placement agency and receiving additional compensation for those services shall be considered to be employed 20 hours per week. No additional employment shall be permitted when school is in session.

   b. An applicant 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 for more than 20 hours per week.

10. Participating families who are eligible for Reach Up financial assistance agree to accept PSE program financial assistance in lieu of a Reach Up financial assistance grant.

Initial Eligibility

11. The applicant and the applicant's family are Vermont residents.

12. The participating parent continues to reside with and have physical custody of a dependent child.

13. 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 a member in good standing.

2421 Application Periods (04/01/2008, 08-02)

A. Applicants may apply for admission to the PSE program no earlier than 180 days prior to the beginning of the academic term in which the applicant plans to take postsecondary education courses, and no later than thirty days prior to the end of the academic term in which the applicant is currently taking postsecondary education courses.

B. For each academic term (spring and fall), the number of applications accepted for determination of eligibility (target number) shall be no greater than three times the anticipated number of openings in the PSE program. The target number and the anticipated number of openings for each application period shall be determined by the commissioner.

The application period shall close when the target number is reached.

2425 Non-Participating Parents Unable-to-Work (04/01/2008, 08-02)

A. Disability

1. All non-participating parents who state they are unable-to-work or able-to-work-part-time because of a disability shall be referred to the Vermont Division of Vocational Rehabilitation (VR) for an assessment of eligibility for VR services and, if determined eligible, may accept VR services, but shall not be required to do so.

2. A non-participating parent who has been determined to be ineligible for VR services than and who has not been determined to be disabled by the Social Security Administration or other state or federal program approved by the commissioner or the commissioner's designee, shall be subject to the full-time employment requirement of the PSE program.

3. A non-participating parent who has been determined to be ineligible for VR services and who has been determined to be disabled by the Social Security Administration or other program approved by the commissioner or the commissioner's designee shall not be subject to an employment requirement.

B. Domestic Violence

1. When a participating family is experiencing the effects of domestic violence, the non-participating parent may apply for an exemption to or modification of the employment requirement.

2. Domestic violence shall include the following acts if committed by a family or household member as defined in rule 2207: physical acts that resulted in, or threatened to result in, physical injury; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental or emotional abuse; or neglect or deprivation of medical care.

3. The commissioner or the commissioner's designee shall make an individualized assessment of the family situation, consistent with rule 2344.2. B.5, to determine whether an exemption to or modification of the employment requirement shall be granted.

4. Initial exemptions to or modifications of the employment requirement may be granted for a period of up to six months and may be extended for a period of up to six months at a time.

5. To retain or extend an exemption to or modification of the employment requirement, the non-participating parent must participate constructively in the development of and activities contained in a plan to address the effects of domestic violence. The plan may be developed with the commissioner or the commissioner's designee or be developed with another agency, such as VR, the Department for Children and Families' Family Services Division or other public or private service agency, and accepted by the commissioner or the commissioner's designee.

6. The non-participating parent shall be required to work part-time if the commissioner or the commissioner's designee determines that the non-participating parent is able-to-work-part-time.

2451 PSE Plan Requirements (07/01/2011, 10-16)

A. Each applicant or participating parent's PSE plan shall include the following:

1. The name and location of the college at which the applicant or participating parent is matriculating or matriculated.

2. A statement of the occupational goal that the applicant or participating parent intends to pursue after receiving the postsecondary undergraduate degree and why the applicant or participating parent wishes to pursue this occupation.

3. The labor market area in which the applicant or participating parent plans to seek employment in this occupation.

4. The "field directly related to employment" in which the participating parent or applicant proposes to complete the postsecondary degree and the following supporting information that demonstrates the necessary connection between the parent's employment goal and the field of study:

    a. The job titles for other occupations that can be pursued with this degree and field of study.

    b. A description of the career exploration activities the parent has completed to gather this information.

    c. A justification for the need of a four-year degree to achieve the occupational goal if the applicant is seeking a four-year degree in a field in which a two-year degree is commonly accepted for entry into the occupation.

5. A schedule that ensures that the applicant or participating parent will complete the coursework necessary for a two-year postsecondary undergraduate degree within three years and for a four-year postsecondary undergraduate degree within five years or a shorter time period if required by paragraph 6 or 7 below. The schedule should reflect consideration of and address the individual's existing circumstances and responsibilities that may reasonably affect the applicant's ability to maintain the schedule and eligibility, such as the age of the participant's youngest child, child care and transportation.

    An initial schedule for degree completion may exceed the three- and five-year time frames only when the applicant has provided documentation, to the satisfaction of the commissioner, that additional time is necessary for completion due to the effects of the applicant's disability. Subsequent modifications to the schedule for degree completion may be made pursuant to rule 2454.

6. A schedule reflecting that, when an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months for every 15 credit hours of course work that can be applied to the degree has been deducted from the three-year time period allowed for a two-year postsecondary undergraduate degree or the five-year time period allowed for a four-year postsecondary undergraduate degree.

7. A schedule reflecting that, when a participating parent 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 has been subtracted from the five-year time period allowed for a four-year degree.

8. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participating parent plans to use to pay for these costs.

9. During the last year of the degree program, the parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the parent shall seek employment using the services of the Department of Labor's local career resource center.

10. 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 ctual hours of participation and satisfactory progress.

2452 Fields of Study/Majors (04/01/2008, 08-02)

The PSE plan review committee may require inclusion in the PSE plan of one or more of the following activities whose purpose is to strengthen the link between the chosen field of study and the attainment of the stated occupational goal:

Paid employment, work-study position, practicum, internship, clinical placement, laboratory or field work, some other paid or unpaid work activity or experience that will substantially enhance the applicant's employability in the occupation specified in the PSE plan.

2453 Change in Occupation, Major, Degree or College (04/01/2008, 08-02)

The participating parent may apply to change the occupation, major, field of study, postsecondary undergraduate degree, or college specified in the PSE plan, as long as the participating parent can demonstrate the ability to complete the degree within the three-year time limit for a two-year postsecondary undergraduate degree or the five-year time limit for a four-year postsecondary undergraduate degree. If the participating parent proposes a change in occupation, major, field of study, degree, or college, the participating parent's case manager and academic advisor shall approve the proposed change.

2474 Case Management During Leaves of Absence (04/01/2008, 08-02)

A. While PSE financial assistance does not continue during any leaves of absence from PSE, limited case management through the PSE program shall be available for participating parents who are taking leave of absence from the PSE program (rule 2486). Case management shall be provided on an "as needed" basis during leaves of absence. Monthly case management meetings are not required during interruptions in PSE program participation. The focus of case management through the PSE program during leaves of absence shall be to assist the participating parent with successful re-entry to the PSE program.

B. For participating parents who receive financial assistance through Reach Up during a leave of absence from the PSE program participation, primary case management shall be provided by their Reach Up case manager.

2486 Leaves of Absence (04/01/2008, 08-02)

A. A participating parent may take a leave of absence for up to 12 consecutive months from the PSE program for any reason. The participating parent must notify the case manager prior to taking the leave of absence in order for the absence to not be considered a de facto withdrawal from the PSE program.

B. A participating parent wishing to return to the PSE program following a leave of absence shall be readmitted for the academic semester that immediately follows the end of the leave of absence upon meeting the applicable financial and non-financial continuing eligibility requirements.

C. Time taken for leaves of absence shall not count against the applicable three or five-year time limits for completion of the participating parent's PSE degree, except for any month during the approved leave of absence for which the participating parent receives PSE financial assistance, a living expense stipend or support services payments. (rule 2491.B)

D. A participating parent who is not readmitted into the program for the academic semester immediately following the end of the leave of absence shall be considered to have withdrawn from the program.

2487 Readmission

A participating parent who has withdrawn from the PSE program may be readmitted to the PSE program once within a lifetime. Months in which the participating parent previously received PSE financial assistance, a living expense stipend, or support services payments shall count as part of the three-year or five-year time limit to complete the degree.

2490 Time Limits for Participation (04/01/2008, 08-02)

A. Participating parents in the PSE program shall have three years to complete a two-year postsecondary undergraduate degree and five years to complete a four-year postsecondary undergraduate degree. Three years shall consist of thirty-six cumulative months. Five years shall consist of sixty cumulative months.

B. Each month in which the participating parent receives PSE financial assistance, a living expense stipend or support services payments shall be counted as part of the three-year or five-year time limit for PSE participation, whether or not the participating parent was taking one or more courses during that month. This shall include any month during a leave of absence pursuant to rule 2486 for which the participating parent receives a living expense stipend, PSE financial assistance, or support service payments.

Definitions

2501 Definitions

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

A. The following Reach Ahead terms are defined in Reach Up rule 2301 and incorporated into Reach Ahead rules by this reference:

1. Adult
2. Barrier
3. Caretaker
4. Commissioner
5. Department
6. Dependent Child
7. Living with a relative or caretaker
8. Parent
9. Relative
10. Temporary Assistance to Needy Families or TANF

B. The following definitions apply to these terms as used in Reach Ahead program rules:

1. "Eligible family" means a family that meets the requirements in rule 2502 and

   a. has one or more dependent children living with one or both parents or a relative or caretaker of such children (the temporary absence criteria defined in Reach Up rule 2230.3 are incorporated into Reach Ahead rules by this reference); or

   b. is a pregnant individual who is in her last month of pregnancy, in her final trimester of a medically verified high risk pregnancy, or in her final trimester of pregnancy and is under age 18.

2. "Food assistance" means a monthly financial assistance benefit in the form of food support. If receiving food stamps, the food assistance may supplement the family's food stamp benefit.
3. "Participant" or "participating adult" means an adult member of a participating family.
4. Participating family" means an eligible family that participates in the Reach Ahead program.
5. "Reach Ahead services" means the service component of the Reach Ahead program consisting of case management services, support services, and referrals provided to eligible families to assist them in maintaining self-sufficiency.
6. "Reach First" means Vermont's diversion program established under chapter 10 of title 33 of the Vermont Statutes Annotated and operated in accordance with Reach First rules 2100 to 2199.
7. "Reach Up" means Vermont's financial assistance program established under chapter 11 of title 33 of the Vermont Statutes Annotated and operated in accordance with Reach Up rules 2200 to 2399.

2502 Eligibility

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

2502.1 Initial Eligibility

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

A. Meet the definition of family;

B. live in Vermont;

C. leave the Reach Up or Postsecondary Education Program on or after April 1, 2009 and apply for Reach Ahead within the six months directly following the last month in which the family received financial assistance in Reach Up or the Postsecondary Education program;

D. be receiving income from unsubsidized employment; and

E. include at least one work-eligible adult who is meeting the full, unmodified Reach Up work requirement applicable to the family's size and composition as established in Reach Up rule with hours in unsubsidized employment.

2502.2 Ongoing Eligibility

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

A. Meet the definition of family;

B. live in Vermont;

C. Provide verification under Reach Up rules at the times specified below:

1. If there is no change in work hours or family members after eligibility is determined, the work eligible adult(s) meeting the work requirement shall verify work hours and income at 6-month intervals of consecutive months of participation. If feasible, income verification may be done at the same time as food stamps recertification.

2. If there is a change in the family members or the work hours of the work-eligible adult(s) in the family, the family must notify the department of the change within the timeframes required by Reach Up rules and, if necessary, the department will determine if there is ongoing eligibility or a change to the work requirement.

D. Failure to provide verification when requested and in accordance with these rules will result in termination from the program.

2502.3 Resumption of Eligibility After a Break in Participation

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

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

2502.4 Transition to Other Programs

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