

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES

# DCF

## Department for Children and Families

BULLETIN NO.: 08-10F

**FROM:** Joseph Patrissi, Deputy Commissioner  
Economic Services Division

**DATE:** December 22, 2008

**SUBJECT:** Changes to Reach Up and Creation of Reach Ahead

CHANGES ADOPTED EFFECTIVE 2/1/2009 and 4/1/2009

### INSTRUCTIONS

**Maintain Manual - See instructions below.**  
 **Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin:**  
 **Information or Instructions - Retain until \_\_\_\_\_**

**MANUAL REFERENCE(S):**

2184	2198	2211	2218	2220	2242
2253	2360	2361	2363	2364	2372
2416	2450 -2456				

This bulletin changes Reach Up rules to reflect current practice and makes rules consistent with federal law on eligibility for aliens. It makes non-substantive edits to sections modified, changes services component rules to expand flexibility in meeting sanction reporting and work requirements and aligns rules with final Temporary Assistance for Needy Families Block Grant (TANF) rules. The bulletin also broadens the Separate State Funds Program to give the department more flexibility in recognizing families coming into compliance, modifies Reach First program rules to clarify Reach Ahead eligibility, changes the Postsecondary Education Program (PSE) rule on notice and appeal to make them consistent with Reach Up rules, and creates rules for Reach Ahead, Vermont's food assistance and workers' support program for Reach Up leavers, as authorized by Act 30 enacted by the Vermont General Assembly in May 2007.

***Comment Period***

A public hearing was held on Monday, November 17, 2008 at 1:00 p.m., in the DCF Commissioner's Conference Room, 5 North, State Office Complex, Waterbury, Vermont. There were no attendees and the department did not receive any comments at the hearing.

The comment period on this bulletin closed on Monday, November 24, 2008. The Department for Children and Families received written comments from one commenter, Vermont Legal Aid.

***Comments by Section***

2456           References Reach Up rules for notice and appeal process and sets out that Reach Ahead benefits do not continue during appeal.

*Comment:*       The commenter expressed concern with respect to the Reach Ahead rule that does not permit benefits to continue during appeal. The commenter offered two different reasons why the benefit should continue during the appeal period. First, it should continue because low income people really need the extra money and continuation of the benefit comports with the Childhood Poverty Council findings that "benefits cliffs" are an ongoing problem for the working poor in Vermont. The commenter points out that Reach Ahead helps low-income Vermonters coming off of Reach Up by providing an extra \$1,200 for food and an easier transition to self-sufficiency. The commenter's second reason for why the benefit should continue is because it would make the Reach Ahead rules consistent with Reach Up rules. Reach Up rules allow for the benefit to continue during appeal at the participant's timely request. The commenter claims that it is arbitrary to have one set of rules applicable to one aspect of Vermont's welfare program, and another set that applies to another. In closing, the commenter "respectfully requests that Reach Ahead rules allow for continuing benefits where the beneficiary timely appeals a sanction or termination."

*Response:*       The Economic Services Division (ESD) of the Department for Children and Families (DCF) has given serious consideration to this comment and the effects of the requested change. After reviewing the law, the program purposes, and giving thought to the circumstances in which appeals may arise, ESD declines to change the rule.

We believe the current approach best serves the state and the participating families. The overall statutory purposes of the Reach Ahead program are two-fold: 1.) to support working families as they leave the Postsecondary Education and Reach Up programs by providing them with additional food assistance support (a lifetime benefit of \$900 - \$100 for first 6 months and \$50 for second 6 months); and 2.) to assist the state of Vermont in meeting its federal work participation rate by limiting Reach Ahead participation to those families meeting their work requirement through unsubsidized work.

While we agree with the commenter that low-income families can always utilize more money (even a limited \$50 food benefit), in creating program rules we must be cognizant of fulfilling the program purposes and ensuring that those who receive the benefit actually qualify for it. To provide a continuing benefit to families during the appeal process may be counterproductive to the legislative purposes of the program if the family is in fact ineligible. Providing a benefit to an ineligible family during the appeal process depletes the remainder of that family's limited lifetime benefit and has a negative effect on Vermont's work participation rate. Depleting the family's benefit at a time of ineligibility means the benefit will not be available during a period when the family is eligible and will not serve the program purpose. If the participant is wrongly denied the benefit, the benefit will be restored in a lump sum back to the time it was terminated. Our studies of program leavers indicate that most of them continue to receive food stamps, so families denied the Reach Ahead benefit are likely to continue to have food stamps along with their wages during the period of appeal.

The commenter claims that the ESD is being arbitrary in its rule and implies that this is reflected in the inconsistency of approach in continuing Reach Up benefits and not continuing Reach Ahead benefits. This rule is not arbitrary. It reflects the purposes of Reach Ahead, which are significantly different from those of Reach Up. Reach Up provides for a family's basic needs and a family denied a Reach Up benefit may be left destitute. Reach Ahead, on the other hand, provides a worker support in the form of a \$100 or \$50 supplement to the family's food benefit; if denied the benefit it is still likely the family is receiving food stamps and has sufficient wages to make them ineligible for Reach Up. Reach Ahead families who are without their supplemental benefits for a short period during appeal are not destitute and not similarly situated to the Reach Up family that loses a Reach Up benefit. The purposes and benefits of these programs are different and their rules reflect these differences.

### ***Specific Changes to Rule Sections***

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|----------------------|--|
| 2184                 | Modifies the Separate State Funds Program to broaden and provide more flexibility in recognizing families coming into compliance with the federal TANF work requirement.   |
| 2198                 | Modifies subsection C to make it consistent with Vermont law that eligibility for Reach Ahead is determined under Reach Ahead program rules and to extend support services to Reach First leaver families who would have qualified for support services as Reach Up leaver families. Corrects typographical error.                                   |
| TOC P.3<br>2200-2238 | Replaces "Aliens" at 2242.7 with "Citizenship." Replaces "ANFC" with "Reach Up" at 2245.2.   |
| 2211                 | Adds clarification that only information specified at 2211.3 or elsewhere in the rules is subject to verification. Specifies that only one adult applicant signature is required and that the individual signing the application must certify that information provided on the application is correct and complete. Replaces "ANFC" with "Reach Up." |
| 2211.1               | Removes reference to signature on the Statement of Need as a requirement for filing an application.  |
| 2211.3               | Replaces "pregnancy" with "high risk pregnancy" when verification is required for a woman with no dependent children. Removes citizenship or alien status of adults other than the applicant as required verification. Replaces income in the prior month with income in the prior 30 days as required verification period.                          |
|                      | Moves provisions for earned income verification from 2253.1 to 2211.3.   |
| 2218.1               | Removes reference to obsolete form.  |
| 2220.1               | Modifies eligibility review to allow 12-month instead of 6-month review at the discretion of the commissioner, but to limit period to no more than 12 months.  |

- 2242 Replaces requirement for medical verification of the delivery date of a pregnant woman at 2242 #3 b. with self-declaration. Adds clarification, consistent with rule at 2248, that individuals receiving independent living or foster care payments from the Department for Children and Families (DCF) are not included in the Reach Up assistance group. Replaces “ANFC” with “Reach Up.”
- Since the proposed filing the department has withdrawn the clarification about individuals receiving independent living or foster care payments as it created inconsistent treatment among families in similar situations who do not receive payments for their living expenses from DCF.*
- 2242.2 Adds provision at 2242.2 b. that an eligible parent is one who is not in receipt of DCF independent living or foster care payments for their basic needs. Removes reference to medical verification of pregnancy. Makes grammatical changes.
- Since the proposed filing the department has withdrawn the provision regarding DCF basic needs payments as it created an inconsistency of treatment among families in similar situations who do not receive payments for their living expenses from DCF.*
- 2242.4 Replaces “ANFC” with “Reach Up.” Removes obsolete reference to Family Services division.
- 2242.7 Changes subsection name from “Aliens” to “Citizenship.” Modifies subsection to make it consistent with changes in the federal Immigration and Control Act. Adds definitions of citizens and nationals. Adds definition of qualified alien. Adds provisions under which battered aliens meet conditions for qualified alien status. Adds provisions for five-year bar for qualified aliens.
- 2253 Modifies computation method by replacing income in the prior calendar month with income in the 30 days prior to application.
- Moves provisions for earned income verification to 2211.3.
- 2360.24 Expands permissible work activities to all activities that enhance the participant’s employability when unsubsidized employment is not available.
- 2361.3 Modifies section to permit monthly contact with participant to be done by case manager’s designee when it is in the best interests of the participant. By allowing others who are already meeting with the participant to fulfill the monthly requirement instead of the case manager, the contacts will be more meaningful and save the participant time that would have been spent making two contacts.
- 2363.34 Expands permissible work activities to all activities that enhance the participant’s employability when unsubsidized employment is not available.
- 2364.6 Modifies the period of time for counting the limitation on participation in job search from the federal fiscal year to the preceding 12 months to be consistent with federal regulations and expands usage of activity to hourly increments.

- 2364.12 Expands the provision for providing child care services and makes it consistent with federal law.
- 2364.15 Changes the calculation of Fair Labor Standards Act (FLSA) limitation on participation hours in certain activities to be consistent with federal regulations.
- 2372.4 Modifies section to require that a sanctioned adult must participate in assessments as directed by the case manager. Adds provision that the meeting may take place at whatever location facilitates the family development plan (FDP) goals.
- 2416 Modifies section for consistency with Reach Up rights to notice and appeal, retaining the 15 day notice provision for termination from the PSE program.
- TOC Table of contents for Reach Ahead program.  
2450 – 2456
- 2450 Introduces the Reach Ahead program.
- 2451 Establishes the definitions applicable to the Reach Ahead program.
- 2452 Sets out the general criteria for Reach Ahead eligibility.
- 2452.1 Sets out the eligibility criteria for initial eligibility for Reach Ahead.
- 2452.2 Sets out the criteria for ongoing eligibility for Reach Ahead.
- 2452.3 Describes a break in Reach Ahead participation and eligibility for Reach Ahead following a break in participation.
- 2453 Provides the limitations related to Reach Ahead program participation and participation in blended families.
- 2454 Describes the Reach Ahead food assistance benefit.
- 2454.1 Describes the two monthly food assistance benefit amounts.
- 2454.2 Describes the food assistance benefit and benefit distribution.
- 2455 Introduces the Reach Ahead Services Component.
- 2455.1 Explains the case management services that may be available to certain Reach Ahead participants.
- 2455.2 Refers to reliance on Reach Up rules for FDPs.
- 2456 References Reach Up rules for notice and appeal process and sets out that Reach Ahead benefits do not continue during appeal.

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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Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing content.

**Manual Holders:** Please maintain manuals assigned to you as follows.

<b>Manual Maintenance</b>			
<b><u>All Programs Rules</u></b>			
<b><u>Remove</u></b>		<b><u>Insert</u></b>	
2184	(08-02)	2184	(08-10)
<b><u>Reach First Rules</u></b>			
<b><u>Remove</u></b>		<b><u>Insert</u></b>	
2197.3 P.4	(08-02)	2197.3 P.4	(08-10)
<b><u>Reach Up Rules</u></b>			
<b><u>Remove</u></b>		<b><u>Insert</u></b>	
TOC P.3 (2200)	(08-02)	TOC P.3 (2200)	(08-10)
2211	(83-30F)	2211	(08-10)
2211.3	(01-06F)	2211.3	(08-10)
2218	(01-06F)	2218	(08-10)
2220 P.2	(94-12F)	2220 P.2	(08-10)
2242	(01-06F)	2242	(08-10)
2242 P.3	(01-06F)	2242 P.3	(08-10)
2242.2	(01-06F)	2242.1	(08-10)
2242.4	(94-12F)	2242.4	(08-10)
2242.7	(88-15)	2242.7	(08-10)
2242.7 P.2	(88-15)	2242.7 P.2	(08-10)
Nothing		2242.7 P.3	(08-10)
Nothing		2242.7 P.4	(08-10)
2253 P.2	(08-02)	2253 P.2	(08-10)
2360.22 P.2	(08-02)	2360.22 P.2	(08-10)
2361.3	(08-02)	2361.3	(08-10)
2363.33	(08-02)	2363.33	(08-10)
2364.6	(08-02)	2364.6	(08-10)
2364.11	(06-24)	2364.11	(08-10)
2364.14	(06-24)	2364.14	(08-10)
2372.21 P.2	(00-22F)	2372.21 P.2	(08-10)

**Manual Maintenance  
PSE Program Rules**

<b><u>Remove</u></b>			<b><u>Insert</u></b>
2416	(08-02)	2416	(08-10)

**Reach Ahead Rules**

<b><u>Remove</u></b>			<b><u>Insert</u></b>
Nothing		TOC (2450)	(08-10)
Nothing		2450 – 2456 (6 pgs.)	(08-10)

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2184      Reach Up Separate State Funds Programs Component

In establishing the separate state funds component of Reach Up, the department seeks to provide work supports and financial assistance funded by TANF-MOE for complying families while preserving their eligibility for federal TANF assistance.

Parents in families assigned to this component must be meeting their federal TANF work requirement.

Assignment of families to this component is limited by availability of TANF-MOE funds.

2185      Child Support Distribution for Families in Solely State-Funded and Separate State Programs

Participating parents who receive financial assistance in a solely state-funded or separate state program shall assign all child support rights to the DCF. The participating parent shall apply for services from the Vermont Office of Child Support (OCS), if not already receiving such services, and cooperate fully with the OCS in their efforts to collect the assigned support. The department shall deny or terminate assistance to participating parents who fail or refuse to apply for services from OCS.

The department will distribute the child support collected for and assigned to it by families in solely state-funded and separate state programs as it does for families in its TANF program whenever administratively feasible and in accordance with established procedures. Any variation from the federal child support distribution plan for TANF families in the solely state-funded or separate state programs' distribution plan shall be to the advantage of the family.

2197.3 ConciliationD. Conciliation Process for Noncompliance (Continued)

When the case manager determines that the resolution of a second conciliation within a 60-month period has been unsuccessful, the case manager's supervisor shall review the second conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.

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

2198 Referral and Transition to Other Programs

- A. The department shall transfer the family to another appropriate program if, after four months of receiving support in Reach First or sooner at the department's discretion, a family needs additional time and services, unless the family chooses not to participate.
- B. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation.
- C. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, but qualifies for Reach Ahead in accordance with Reach Ahead rules the department shall transfer the family to Reach Ahead, unless the family chooses not to participate. If the family is meeting the Reach Up work requirement when it leaves Reach First and is not eligible for Reach Up or Reach Ahead, the family shall qualify for support services as though it was a Reach Up leaver family, unless the family chooses not to participate. (2351.1)
- D. A family transferring to another program under subsections A through C of this section shall not be required to complete a new application. Verification of income or other documentation related to changes in circumstances may be required as provided for by rule.
- E. Transitional medical assistance of up to 36 months shall be provided to families with a working adult who leaves Reach First and is not eligible for Reach Up, unless family income exceeds 185 percent of the federal poverty level, provided that federal financial participation is available for such transitional medical assistance.

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## 2211 Methods of Investigation

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

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

A personal interview is required for all Reach Up applications. This interview should be conducted privately with the applicant, who may have a representative to assist him if he wishes. 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.

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2211.3

2211 Methods of Investigation (Continued)2211.3 Verification

Verification, defined as an 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.

1. All non-excluded income (amount and source).
2. All non-excluded resources, within \$200 of the limit.
3. Actual dependent care costs claimed as a work expense and used as a deduction from earned income.
4. Shelter costs incurred.
5. High risk pregnancy for a woman with no dependent children.
6. Paternity of biological father not married to child's mother.
7. Collateral information affecting eligibility or benefits.
8. Application for a social security number if the individual does not have one.

Verification may be required for the following, if questionable:

1. Identity and residency.
2. Age, citizenship, or alien status for any member of the assistance group.
3. 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.

When earnings have just begun or changed, available paystubs, 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.

## 2218 Continuing Eligibility

Reach Up benefits continue, as authorized, until changed or terminated due to:

- a change in circumstances,
- expiration of a period of eligibility,
- failure of a participant to provide sufficient information to allow a review of eligibility,
- failure of an adult subject to sanctions to comply with Reach Up services component requirements.

An active participant who refuses to participate in a quality control field review shall become ineligible for continued benefits.

### 2218.1 Review of Eligibility

A complete review of eligibility for continuing benefits shall be conducted periodically, as specified in 2220.1, for all Reach Up assistance groups. An eligibility review using application investigation methods encompasses all conditions and factors of eligibility. Each applicable factor shall be considered, and a decision made and recorded that the factor continues to be met or is no longer met.

1. Participants shall submit a new signed application at every eligibility review and provide current information about individual, family, and household circumstances in relation to program eligibility factors.
2. Interviews shall be required on the same basis as for initial eligibility.
3. Verification, including use of collateral sources as needed, shall be required on the same basis as for initial eligibility.
4. The participant is required to provide information about whether any members of the assistance group have been convicted of a felony involving possession, use, or distribution of a controlled substance for an act committed after August 22, 1996.

An eligibility review shall be complete when all the following applicable actions have been completed:

1. Written notice of the department's decision has been made available to the participant;
2. Any increased aid or benefits granted have been made available through the appropriate payment system, with due regard for immediacy of the participant's need for the increase;
3. Authorization to terminate or reduce aid or benefits has been processed through the appropriate payment systems.

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2220 Change of Circumstances (Continued)

Reductions and closures resulting from changes reported fewer than ten days before the adverse action approval deadline may take effect for the next following benefit period. This ensures that recipients have a ten-day period in which to provide required verification and that department staff have a ten-day administrative period in which to complete whatever work is necessary to process the change. However, Eligibility Specialists should place a high priority on processing case actions before the next adverse action approval deadline.

When a scheduled review of eligibility will be due in the near future, or when the nature or extent of the change reported otherwise makes a full eligibility review desirable, the District Office may initiate a review in advance of the scheduled time limit.

2220.1 Reviews

All assistance groups shall complete a full review of eligibility every 6 months or, at the discretion of the commissioner, every 12 months.

The eligibility review or period of eligibility for households may be scheduled at intervals shorter than that specified to coincide with known anticipated changes. A scheduled review interval or period of eligibility may not, however, exceed the 12-month limit.

2242 Assistance Group

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. 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:

1. A family in which the only dependent child (or children) is a disabled child recipient of SSI/AABD benefits.
2. 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.
3. 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:
  - a. The child, if born, would be eligible for Reach Up.
  - b. 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.

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2242     Assistance Group (Continued)

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 individuals receiving benefits under the SSI/AABD program. Income and resources of such individuals shall be excluded from consideration in determining income and resources for the Reach Up financial 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 (2242.7 D). 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.

1.    The standard employment expense deduction (2253.3) 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.
2.    All payments by such parents of alimony or child support for individuals not living in the household.
3.    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.
4.    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.

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2242.1

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2242 Assistance Group2242.1 Eligible Child

An eligible child is defined as an individual who meets all Reach Up criteria of need, age, and residence.

2242.2 Eligible Parent

An eligible parent is defined as an individual who:

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

The parent of a disabled child receiving SSI/AABD is also an eligible parent. Both parents, if living in the same household with eligible children, must be included in the Reach Up assistance group, unless subject to the five-year bar for qualified aliens, as specified in 2242.7 D.

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 2242 3b, 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.

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2242 Assistance Group (Continued)2242.4 Needy Essential Person

An individual (other than the parent of an eligible child whose relationship automatically qualifies him or her for inclusion in the Reach Up assistance group) is deemed as an essential person and shall be included in the assistance group if he or she fulfills all of the following criteria:

1. The essential person lives in the same household with the applicant/recipient; and
2. He or she is not eligible in his/her own right for SSI/AABD or Reach Up, but is in need according to Reach Up standards.
3. He or she furnishes specific care and/or services which the applicant/recipient cannot perform himself or herself and which is deemed essential and which would need to be provided otherwise if the "essential" person were not in the household. This type of service includes:
  - a. The provision of child care which enables a caretaker relative to work on a full-time paid basis outside the home;
  - b. Care for an incapacitated family member in the home;
  - c. The provision of child care that enables a caretaker relative to receive training full time;
  - d. The provision of child care that enables a caretaker relative to attend high school or General Educational Development (GED) classes full time;
  - e. The provision of child care, not to exceed a period of two months, that enables a caretaker relative to participate in Job Search or other Reach Up work programs.

To determine the need of an essential person who is not the spouse or parent in the assistance group, see 2242.5.

The determination of the essential person must be approved by a supervisor.

When an "essential" person qualifies for either SSI/AABD or Reach Up, his/her needs shall be met only through application for and grant of aid in his/her own right. Such individuals shall not be included in an assistance group as a "needy" essential person.

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2242.7

2242 Assistance Group (Continued)2242.7 Citizenship

As a condition of eligibility for Reach Up an individual must be:

- (1) A citizen or national of the United States or
- (2) A qualified alien.

Exception: Certain qualified aliens are barred from Reach Up for five years.

Reach Up applicants must declare citizenship and alien status on the application. Non-citizens must provide documentation of immigration status. The state may undertake to document citizenship or identity through one or more data-system cross matches that may be available for such purposes. If the state obtains the needed documentation, the individual need not provide additional proof in this regard.

A. Citizens and Nationals

A “U.S. citizen” is:

- (1) An individual born in the 50 states, the District of Columbia, Puerto Rico, Guam, Virgin Islands, and the Northern Mariana Islands (except for individuals born to foreign diplomats);
- (2) A naturalized citizen; or
- (3) An individual who otherwise qualifies for U.S. citizenship under §301 of the Immigration and Nationality Act (INA), 8 U.S.C. 1401.

A “national of the United States” is an individual who:

- (1) is a U.S. citizen or
- (2) though not a citizen, owes permanent allegiance to the United States.

As a practical matter, non-citizen nationals include individuals born in American Samoa or Swain’s Island. For purposes of determining Reach Up eligibility, including verification requirements, citizens and non-citizen nationals of the United States are treated the same.

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2242 Assistance Group (Continued)

2242.7 Citizenship (Continued)

B. Qualified Aliens

A “qualified alien” is:

- (1) A lawful, permanent resident;
- (2) A refugee, including:
  - a) Individuals admitted to the United States under § 207 of the Immigration and Nationality Act (INA);
  - b) A Cuban or Haitian entrant, as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980;
  - c) An Amerasian, admitted to the United States under § 584 of the Foreign Operations Export Financing, and Related Programs Appropriation Act, 1988 (as contained in § 101(e) of Public Law 100-202 and amended by the 9<sup>th</sup> proviso under Migration and Refugee Assistance in title II of the Foreign Operations Export Financing, and Related Programs Act, 1989, Public Law 100-461, as amended);
- (3) An asylee, as defined in § 208 of the INA;
- (4) An alien whose deportation has been withheld under:
  - a) § 243(h) of the INA, as in effect prior to April 1, 1997 (the effective date of § 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), division C of Public Law 104-208);
  - b) § 241(b)(3) of the INA, as amended by section 305(a) of division C of Public Law 104-208;
- (5) An alien who has been granted parole for at least one year by the USCIS under § 212(d)(5) of the INA;
- (6) An alien who has been granted conditional entry under § 203(a)(7) of the INA;
- (7) A battered alien as defined at 2242.7 C;
- (8) A victim of a severe form of trafficking, in accordance with § 107(b)(1) of the Trafficking Victims Protection Act of 2000; or

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2242 Assistance Group (Continued)2242.7 Citizenship (Continued)

- (9) An American Indian, born outside the U.S. and who enters and re-enters and resides in the U.S. is, for Reach Up purposes, considered a lawful permanent resident and, as such, a qualified alien. This includes:
- a) An American Indian who was born in Canada and who is of at least one-half American Indian blood. This does not include the non-citizen spouse or child of such an Indian or a non-citizen whose membership in an Indian tribe or family is created by adoption, unless such person is of at least 50 percent American Indian blood.
  - b) An American Indian who is a member of a federally-recognized Indian tribe, as defined in § 4(e) of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450b(e). Abenaki is not a federally-recognized tribe.

C. Battered Alien

To qualify as a “battered alien” for purposes of establishing qualified alien status, the following conditions must be met:

- (1) The individual must be:
- a) A victim of battering or cruelty by a spouse or a parent, or by a member of the spouse or parent’s family residing in the same household as the victim and the spouse or parent consented to, or acquiesced in the battery or cruelty; or
  - b) The parent of a child who has been such a victim, provided that the individual did not actively participate in the battery or cruelty; or
  - c) The child residing in the same household of such a victim.
- (2) The individual must no longer be residing in the same household as the perpetrator of the abuse or cruelty.
- (3) The individual must have been approved for legal immigration status, or have a petition pending that makes a prima facie case for legal immigration status, under one of the following categories:
- a) Permanent residence under the Violence Against Women Act (VAWA);
  - b) A pending or approved petition for legal permanent residence filed by a spouse or parent on USCIS Form I-130 or Form I-129f;
  - c) Suspension of deportation or cancellation of removal under VAWA.

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2242.7 P.4

2242 Assistance Group (Continued)2242.7 Aliens (Continued)D. Five-Year Bar for Qualified Aliens

Immigrants who enter the United States on or after August 22, 1996 as qualified aliens are not eligible to receive Reach Up for five years from the date they enter the country. If they are not qualified aliens when they enter, the five-year bar begins the date they become a qualified alien. The following qualified aliens are subject to the five-year bar:

- (1) Lawful permanent residents (LPRs);
- (2) Aliens granted parole for at least one year;
- (3) Aliens granted conditional entry (however, as a practical matter the five-year bar will never apply to such aliens, since, by definition, they entered the U.S. and obtained qualified alien status prior to August 22, 1996); and
- (4) Battered aliens.

The following qualified aliens are not subject to the five-year bar:

- (1) Refugees;
- (2) Asylees;
- (3) Cuban and Haitian Entrants;
- (4) Victims of a severe form of trafficking;
- (5) Aliens whose deportation is being withheld;
- (6) Qualified aliens who are (1) honorably discharged veterans, (2) on active duty in the U.S. military or (3) the spouse (including a surviving spouse who has not remarried) or unmarried dependent child of an honorably discharged veteran or individual on active duty in the U.S. Military;
- (7) Aliens admitted to the country as Amerasian immigrants;
- (8) Lawful permanent residents who first entered the country under another exempt category (i.e., as a refugee, asylee, Cuban or Haitian entrant, trafficking victim, or alien whose deportation was being withheld) and who later converted to the LPR status;
- (9) Immigrants who entered the United States and became qualified aliens prior to August 22, 1996; and
- (10) Immigrants who entered prior to August 22, 1996 and remained “continuously present” in the United States until becoming a qualified alien on or after that date. Any single absence of more than 30 consecutive days or a combined total absence of 90 days before obtaining qualified alien status is considered to interrupt “continuous presence.”
  - (i) Immigrants who do not meet “continuous presence” are subject to the five-year bar beginning from the date they become a qualified alien.
  - (ii) Immigrants do not have to remain continuously present in the United States after obtaining qualified alien status.
- (11) Members of a Federally-recognized Indian tribe; and
- (12) American Indians born in Canada to whom Section 289 of the INA applies.

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2253 Earned IncomeB. Economic Opportunity Act

Payment to individuals under any of the following programs, whether as partial and temporary beneficiaries or as employees, shall be considered earned income:

Work-Training Program (Title I, Part B)  
Community Action Programs (Title II)  
Voluntary Assistance Programs for Needy Children (Title II)

C. Elementary and Secondary Educations Act

Income from employment as a teacher's aide, lunch room worker, clerical aide, etc. under a Title I project funded by the Elementary and Secondary Education Act shall be considered earned income.

D. Workforce Investment Act of 1998 (WIA)

Workforce Investment Act (WIA) programs prepare youth and adults to participate in the labor force by providing job training and other services expected to increase employment, earnings, and educational and occupational skills.

Some WIA programs pay participants wages, treated as unsubsidized earned income for adults.

2253.1 Computation Method

Computation of net earned income takes into consideration applicable business expenses (self-employment only), the standard employment expense deduction, any applicable earned income disregard, and any allowable dependent care deduction.

Gross earned income must be verified as specified at 2211.3.

To determine eligibility and benefits, all income figures are converted to monthly figures, using a multiplier of 4.3 weeks equal to one month. A multiplier of 2.15 weeks per month is used for income received biweekly.

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2360 Participation in the Services Component2360.2 Participation Phases2360.22 Pre-Work-Ready Phase (Continued)

The participant who has increased participation in countable work activities during the pre-work-ready phase to the extent that the work requirement is met shall move to the work-ready phase immediately. Unless granted an extension (2363.14), any adult participant who has not advanced to the work-ready phase after having received 12 cumulative calendar months of financial assistance (2360.25) shall be work-ready on the first day of the 13th cumulative month they receive assistance. At that time the participant must move to the work-ready phase.

2360.23 Work-Ready Phase

Adult participants in the work-ready phase must meet their full work requirement in countable work activities unless they have been granted a modification of or deferment from the work requirement. During this phase, all participants engage in the activities that provide the most expeditious route to attainment of their employment goal. Under no circumstances may participants spend more than 12 full cumulative calendar months in this phase (2360.25).

After completing the activities leading to the employment goal or reaching the 12-month limit for the work-ready phase, participants move to the employment phase, in which they must seek and obtain unsubsidized employment (2363.33).

2360.24 Employment Phase

Participants move to the employment phase after they have completed all required FDP activities leading to their employment goal or spent 12 cumulative months in the work-ready phase, whichever comes first. Participants in the employment phase must seek unsubsidized employment that meets their work requirement.

Participants in the employment phase must accept any unsubsidized job offered unless they qualify for one of the limited exceptions in section 2363.34.

After the required period of intensive job search (2364.2), the case manager shall place those unable to obtain unsubsidized employment in subsidized work, a community service placement, or any other activity that will enhance the participant's employability and that, in combination with any unsubsidized work, meets the work requirement. All participants not meeting their work requirement solely with unsubsidized employment shall be expected to continue to seek unsubsidized employment while in other activities.

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2361 Family Development Plans2361.3 Reviews and Modifications of the FDP

The case manager shall establish a schedule for review of the FDP that includes a personal contact with the participant at least once per month to review the FDP and, if necessary, to modify the plan. The personal contact with the participant may be made by the case manager or, when it is in the best interest of the participant, by the case manager's designee.

In addition to regularly scheduled reviews of the FDP, the case manager shall review and, if necessary, modify the plan in the following circumstances:

- Services required by the FDP are unavailable.
- The participant is nearing the end of the pre-work-ready phase. The case manager shall review the FDP at least 30 days before the end of the phase.
- A deferment or modification of the work requirement has been requested.
- A deferment or modification is scheduled to end within 60 days. The case manager shall review the FDP no fewer than 30 days before the deferment or modification expires.
- The participant has started an unsubsidized or subsidized job. The case manager shall review the FDP within 30 days of the date the participant started the job.
- The participant has lost unsubsidized or subsidized employment.
- The participant is nearing the date set for attaining the employment goal. The case manager shall review the FDP at least 30 days prior to that date.
- Changes to the FDP are needed to protect the well-being of the children.
- The participant is not making satisfactory progress in achieving the goals of the plan, or it becomes apparent that the participant cannot achieve them in the time allowed.
- A family member has failed to comply with an FDP requirement or a work requirement.

When there are indications that a participant's failure to comply with program requirements or make satisfactory progress toward the goals of the plan may be due to a previously unidentified barrier, the case manager shall reassess the participant for barriers and make appropriate referrals, if there is an indicated need.

Case managers' supervisors shall conduct routine reviews of FDPs to ensure quality of service. Case managers' supervisors shall also review the FDP whenever they have notice that there may be issues of noncompliance or quality of service. After the review, the supervisor shall modify the FDP, if necessary.

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2363 Work Requirements2363.3 Work Requirement Hours2363.33 Alternate Work Requirement for Participants Under 20 Years Old

Individuals eligible as adult participants are deemed to be meeting their work requirement if they meet at least one of the following criteria:

- they maintain satisfactory attendance at a secondary school or the equivalent; or
- they participate in education directly related to employment for at least 20 hours per week.

2363.34 Requirement to Accept or Retain a Suitable Unsubsidized Job

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

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

A participant who without good cause fails to retain or accept an offer of unsubsidized employment in accordance with this section shall be subject to sanction unless an exception applies (2363.35).

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**2364.6**    Job Search

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.

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2364.11

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2364.11 Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence

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 2363.33.

2364.12 Provision of Child Care services to an Individual Who is Participating in a Community Service Program.

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.

2364.13 Financial Literacy Classes

Financial literacy classes means attending classes related to financial literacy. Financial literacy classes include classes on budgeting, saving, investing, and establishing credit. Financial literacy classes are not a countable activity on their own. Hours a participant spends in attendance in financial literacy classes count only to the degree they are permitted and counted toward a participant's work requirement in accordance with federal law.

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2364.14 Work Activity Displacement Policy

No adult in a work activity described in section 2364 and funded, in whole or in part, by funds provided by the federal government shall be employed or assigned when:

- any other individual at the same work site is on layoff from the same or any substantially equivalent job;
- the employer has terminated the employment or reduced the regularly scheduled hours of any regular full-time employee or otherwise caused an involuntary reduction of its work force capacity to fill the vacancy so created with a participant of the Reach Up Program; or
- the employment or placement is the result of a strike, lockout, or other bona fide labor dispute.

If there is a bargaining unit at the work site, the department or its agent shall obtain the bargaining unit's certification that the participant's employment or placement will not result in any violation of the bargaining unit agreement.

The department shall maintain a grievance procedure for resolving complaints of alleged violations of the department's displacement policy.

This procedure will involve the opportunity for informal resolution conducted by the Reach Up Welfare-to-Work Director or the director's designee. If no informal resolution can be reached within 30 days, the complainant may file a request for a hearing with the state. The state's grievance procedure shall involve a hearing before a Vermont Department of Labor Appeals Referee. The state shall provide the complainant with a written decision within 90 days from the date of the filing of the complaint. A dissatisfied party may appeal a decision by the state within 20 days of receipt of the state's written decision.

2364.15 Fair Labor Standards Act

The department shall comply with the provisions of the Fair Labor Standards Act with respect to the maximum number of hours participants can be required to engage in certain work activities.

For certain work activities subject to these provisions, the maximum number of hours a participant can be required to work shall be calculated as follows:

1. Calculation of number of hours an individual may be *required* to work:
  - a. Determine RU grant amount received.
  - b. Subtract child support portion (parent's share).
  - c. Add actual monthly food stamp benefit received.
  - d. Divide sum by state minimum wage to determine the number of hours that the participant can be required to work in the FLSA activity for the month.
  - e. Divide the number of hours by the number of weeks in this month to get the hours that the participant can be required to work in this activity per week.

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2372 Sanctions for Noncompliance with Services Component Requirements2372.2 Sanction Amounts2372.21 Housing Protection Limitation on Sanction Amounts (Continued)

A family that has exhausted its six-month housing protection limitation may be eligible for another six-month housing protection period. To qualify for another housing protection period, the family must have a period of 36 months without sanction for noncompliance with services component requirements following the initial housing protection period. Each of the 36 months must be a month during which the family is not receiving Reach Up financial assistance or a month during which the family is participating in Reach Up without sanction.

2372.3 Vendor Payment of Housing Costs

The department shall provide housing expenses by vendor payment, paying as much of the incurred housing costs that can be paid from the amount of the grant that remains after sanctions have been applied. The actual housing costs include rent, mortgage, property taxes, allowable maintenance and repairs, and room and board.

If there is any balance remaining after the housing costs are deducted, the remaining amount shall be paid to the family 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.

2372.4 Meeting With Case Manager

To receive any financial assistance, including vendor rent payments, a sanctioned adult must meet with the case manager at least once per month and participate in assessments as directed by the case manager. This meeting may take place in the district office, a community location, or in the participant's home, whichever best facilitates the FDP goals. For minor parents, this meeting shall be a home visit completed by the minor parent's case manager. An unexcused failure to meet with the case manager may result in closure of the family's grant and forfeiture of that month's financial assistance.

The purpose of the meeting shall be to assess the individual and develop the family development plan, when such tasks have not been completed; reassess or review and revise the FDP as appropriate; and encourage the participant to cure the sanction.

The meeting with the case manager shall take place by the 16<sup>th</sup> of each month; otherwise, Reach Up financial assistance terminates, and that month's benefit is forfeited. In any given month, the case manager may waive the meeting requirement if, in the judgment of the case manager, severe illness, death in the family, or other equally compelling reason warrants an exception.

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2416 Right to Written Notice and Appeal

- A. Applicants shall be given written information of their appeal rights at the time of application. Applicants and participating parents also shall be given written information about their appeal rights each time they receive a written notice of an adverse action or decision. The written notice shall include the reasons for the adverse action or decision, where and how appeals may be initiated, where a person can obtain a copy of the Human Services Board rules, and where to obtain legal representation.
- B. Applicants and participating parents have the right to appeal decisions relating to all aspects of their eligibility for the PSE program, the amount of PSE financial assistance, support services, approval of the PSE plan, approval of good cause, and the violations of timelines for these decisions. The right to appeal includes the right to request a fair hearing before the Human Services Board.
- C. A request for fair hearing must be made within 90 days of the date the written notice of the decision being appealed was mailed.
- D. When adverse action results in termination of eligibility for the PSE program the commissioner shall mail notice of the determination to the participating parent at least 15 days before the effective date of the adverse action. The participating parent shall have 5 days from the date the notice is received to submit to the case manager a written request for a review of the determination. The parent's request for review shall include any information the parent wants considered to rebut the reasons for the change given in the notice. No adverse action shall be taken while the review is pending.
- The commissioner's impartial designee shall review the parent's request and issue notice of the decision within 5 days of receipt of the review request and at least 5 days before the effective date of termination. If a parent does not request a review or the requested review decision remains unfavorable to the parent, the parent may appeal the decision to the human services board.
- E. When an action terminating a PSE program benefit based on non-financial eligibility criteria is appealed, the benefit shall not continue at the prior level pending the outcome of the appeal. Retroactive coverage shall be provided in any case in which the Human Services Board reverses the action that was appealed.
- F. When an action reducing or terminating PSE financial assistance is limited to and based on the family's income, resources or both, a request for a hearing, either oral or written, made within 10 days of the mailing date of a notice of decision to decrease or terminate assistance may preclude the department from implementing the proposed adverse action. Reach Up rule 2218.2 is applicable to continuing assistance, recoupment, and retroactive payments.

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**2450**      Introduction to Reach Ahead

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

Reach Ahead provides information and referrals to workforce development options, time-limited work supports, and food assistance. Participation in this program is limited to no more than 12 months in a participating adult's lifetime. When necessary, Reach Ahead provides individualized case management that addresses the individual participant's situation or barriers to self sufficiency and assists the participant to maintain employment.

**2451**      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 2341 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 section 2452 of this rule and
  - a. has one or more dependent children living with one or both parents or a relative or caretaker of such children; or
  - b. is a pregnant individual who is in her last month of pregnancy, in her final trimester of a medically verified high risk pregnancy, or in her final trimester of pregnancy and is under age 18.
2. "Food assistance" means a monthly financial assistance benefit in the form of food support. If receiving food stamps, the food assistance may supplement the family's food stamp benefit.

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2451 Definitions (Continued)

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 2190 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.

2452 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.

2452.1 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 Reach Up work requirement applicable to the family's size and composition as established in Reach Up rule with hours in unsubsidized employment.

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**2452.2. 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.

**2452.3. Resumption of eligibility after a break in Reach Ahead 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.

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2453      Reach Ahead Program Participation

A.    Participation in Reach Ahead

1.    Participation in Reach Ahead is limited to 12 months of a participating adult's lifetime.
2.    The 12 months of participation are cumulative and do not have to be consecutive.

B.    Participation in Blended Families

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

2454      Reach Ahead Food Assistance Benefit

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

2454.1    Food Assistance Benefit Amount

- A.    A participating family shall receive a monthly food assistance benefit of \$100.00 each month of the first six months of Reach Ahead participation.
- B.    A participating family shall receive a benefit of \$50.00 for each month of their seventh through twelfth month of Reach Ahead participation.

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**2454.2**     The Food Assistance Benefit and Distribution

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

**2455**       Reach Ahead Services Component

- A. Eligibility for participation in the Reach Ahead services component is simultaneous with eligibility for the Reach Ahead benefit and is limited to 12 cumulative months of the participating adult's lifetime.
- B. The Reach Ahead services component consists of support services, referral to other agencies or programs, including workforce development, that provide the services needed by participating families to improve the family's prospects for employment retention.
- C. When necessary, the services component may include case management services

**2455.1**     Case Management Services

- A. If a family needs case management, the case manager and the family may develop a family development plan.
- B. Case management services and the family development plan shall focus on employment retention and advancement.
- C. In developing a plan and providing case management services, the department shall follow Reach Up rules 2350 through 2351.5 to the extent they are related to and limited to services necessary for job retention and advancement.
- D. When case management is provided, the case manager and adults in the family may develop a new or extend the operation of an existing Reach Up family development plan following the process of Reach Up rule 2361.2.
- E. If practicable, the case manager shall be the same case manager previously assigned to and working with the family.

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2455.2 Family Development Plans

For families requesting a family development plan, the department may assist the family in developing a plan relying on Reach Up rule 2361, but only to the extent that it is consistent with Reach Ahead rules and the program purposes to assist the family to maintain or enhance existing employment.

2456 Notice and appeal

- A. A participant may appeal decisions in accordance with Reach Up section 2380 except that Reach Ahead food assistance payments do not continue while an appeal is pending.
- B. The commissioner shall provide notice to each participant of the standards and procedures applicable to such appeals. All federal and agency of human services rules regarding conciliation, notice, hearing, and appeal shall be followed in connection with such appeals.