

**RULE GOVERNING THE  
COMPETITIVE SKILLS SCHOLARSHIP PROGRAM**

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## PURPOSE

This rule implements the Competitive Skills Scholarship Program (CSSP) enacted pursuant to PL 2007 ch. 352 and codified at 26 MRSA chapter 25, subchapter 5. CSSP is intended to provide individuals with access to education, training and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force.

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## SECTION 1: DEFINITIONS.

1. **Bureau** is the Maine Department of Labor, Bureau of Employment Services.
2. **Department** is the Maine Department of Labor.
3. **Commuting area** means the 50-mile radius, by road, from the participant's place of residence.
4. **Dependent child** means a child under 18 residing with the applicant.
5. **High compensation** means median wages that are at or above the median wage for all occupations in Maine.
6. **Occupation in significant demand** means an occupation with a projected growth rate that is equal to or greater than the average growth rate for all occupations in Maine or an occupation for which there are 20 or more openings per year.
7. **Household or family** means the applicant or participant and all persons residing in his or her residence that are related by blood, marriage, domestic partner registration or decree of court, and are his or her spouse, registered domestic partner, guardian, parent or a dependent child. However, the following individuals are considered a separate household of one: a) a person who is living with his/her family, who is not married, who is eighteen (18) years or older and who is receiving less than 50% maintenance from the family and is not one of the parents of the family; b) person fourteen (14) years or older who is not married and not living with his/her family, and c) a disabled individual fourteen (14) years of age or older. (NOTE: if an applicant with a disability is eligible based on income and family size if he/she is not treated as a separate household, he/she need not be treated as a separate household.)
8. **Individual Service Strategy (ISS)** means, for the purpose of this rule, the individual career plan that is developed by the participant and the case manager. The ISS includes all funding sources planned to meet the participant's needs, including CSSP resources and resources other than CSSP. This rule applies to any ISS that includes CSSP funding.
9. **Marketable postsecondary degree** means a vocational certificate or license that qualifies the individual to work in a high wage occupation in significant demand, an associate degree, or a bachelor degree. A postsecondary degree is considered marketable unless (a) the individual can show that the credential prepared them for a specific occupation that they are no longer able to perform due to physical or mental health limitations or (b) the individual can show that the credential was received over 20 years ago and was intended to prepare the individual for a specific occupation which they have not worked in for the last 15 years.

10. **Written or writing** means writing on paper or in electronic format such as email. Email may only be used by the Department to deliver notices affecting a customer's rights or responsibilities (for example, an eligibility decision or an ISS) if the notice is also delivered in hand or by mail.

## SECTION 2: ELIGIBILITY

1. **Criteria.** Within the limits of available program resources (taking into account ongoing commitments to current participants), an individual will be enrolled in CSSP if the individual applying for enrollment:
  - A. Lives in Maine.
  - B. Is at least 18 years of age;
  - C. Is legally eligible to work in the United States;
  - D. Does not have a marketable postsecondary degree;
  - E. Has income of less than 200% of the poverty level for the household size as calculated in paragraph 2 of this section;
  - F. Is seeking education or training for an occupation approved according to Section 4;
  - G. Has the ability to undertake and complete the education or training program. An applicant's ability is determined pursuant to Section 6.3.
2. **Determining Financial Eligibility.** An applicant is financially eligible for CSSP when the applicant's household income, other than excluded income, is below 200% of the federal poverty guidelines. When determining the income of the applicant's household:
  - A. **Household.** The income and the size of the household are determined by the members of the household at the time of application.
  - B. **Household income.** The case manager calculates the sum of the last four weeks of income, excluding income that is no longer received, of each household member (except dependent children) and excluding and including sources of income as provided in this section. If the last four weeks of income does not accurately reflect the income anticipated in the future, the case manager will use documentation and other information provided by the individual to make a best estimate of income for the following four weeks.
    - (1) **Included income.** Unless specifically excluded, include all income of all household members, except children, including the following:

Wages and Salaries before Deductions  
Net Non-farm Self-Employment  
Net Farm Self-Employment  
Regular Payments from Social Security  
Disability Insurance (SSDI)  
Railroad Retirement

Strike Benefits from Unions  
Workers' Compensation  
Training Stipends (but not CSSP training stipends)  
Wages Subsidized by OJT Contracts  
Alimony  
Military Family Allotments/Other Regular Support  
Pensions - Private  
Government/Military Retirement  
Regular Insurance/Annuity Payments  
Dividends/Interest  
Net Rental Income/Net Royalties  
Periodic Receipts from Estates or Trusts  
Net Gambling or Lottery Winnings  
Vocational Rehabilitation Payments

(2) **Excluded Income.** The following income is excluded in determining household income:

Unemployment Compensation  
Child Support Payments  
AmeriCorps Living Allowances  
Social Security Old Age Survivors Insurance (OASI) & Survivor's Benefit Payments  
TANF\* Refugee Assistance\* General Assistance  
Capital Gains  
Foster Care Child Payments  
Assets Withdrawn from a Bank  
Sale of Property/House/Car  
Tax Refunds  
Earned Income Tax Credit  
Field Placements  
Gifts  
Loans  
Lump-Sum Inheritances  
One-time Insurance Payments  
Student Loans  
One-time Compensation Payments for Injuries  
Non-Cash Benefits, including, but not limited to:  
    Employer Paid Fringe Benefits  
    Food/Housing Received in Lieu of Wages  
    Medicare  
    Medicaid  
    Food Stamps\*  
    School Meals  
    Housing Assistance  
Supplemental Security Income  
TAA/TRA Payments  
All federal and state need-based financial aid resources granted through the financial aid award process  
Income of dependent children

Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service connected death, vocational rehabilitation, and education assistance.

Any income that the household no longer receives.

\* Households receiving TANF, Food Stamps or Refugee Assistance are categorically deemed to meet the financial eligibility criteria of CSSP

- C. **Verification.** Verification of facts relevant to CSSP eligibility criteria is accomplished using the same procedures as is required in Maine by the Workforce Investment Act (WIA), except that the previous four weeks of included income must be verified with documentation (for example, wage stubs or an employer's statement or other documentation).
3. **Period of eligibility.** Once an applicant is fully eligible for CSSP they remain eligible until the earlier of: a determination that their income exceeds 250% of the federal poverty level, six months following the time they have met their education and training goal as established in the ISS, one month after they begin full time employment after receiving their credential, or the person is terminated from the program after notice of termination and the opportunity to appeal or the person has voluntarily withdrawn from CSSP. The case manager shall review whether the person's household income exceeds 250% of the poverty level at least annually.
4. **Termination from CSSP.** A person may be terminated from CSSP if the person has failed to make satisfactory progress pursuant to Section 6; the person has misused funds or refused to cooperate pursuant to Section 6; the person's household income exceeds 250% of the poverty level or the person has voluntarily withdrawn from CSSP. No case manager may send a notice of termination from CSSP before his or her supervisor has reviewed the matter and approved.

### SECTION 3. APPLICATION AND DECISION.

1. **Application.** Each CareerCenter will make available to customers a written application for education/training services, including CSSP, which the customer may submit to the CareerCenter. Applications submitted more than six months in advance of the customer's intended start of their education or training program would be considered for WIA, but not CSSP. (If eligible for WIA, WIA may provide intensive case management and other WIA services, then take the customer's application for CSSP when they are within six months of their intended start date.) For CSSP eligibility to be determined, an applicant or a person inquiring at a CareerCenter about education or training services must attend an appointment or group meeting where they will be assisted in completing the application (or in reviewing their application if they have already completed one.) A meeting time or appointment will be scheduled within 30 days of the application or inquiry. If a person fails to attend that meeting or appointment, the CareerCenter will consider the application or inquiry withdrawn unless the individual has arranged with the CareerCenter to attend a meeting or appointment at a different time. (If the person's inquiry or application is withdrawn, they may inquire or apply again if they wish.)
2. **Eligibility determination.** Eligibility is determined in a two-stage process. Initial eligibility based upon age, household income, eligibility to work in the United States, and lack of marketable post-secondary degree is determined within 15 days of the appointment or meeting.

In the second stage, the CareerCenter works with a person who is initially eligible and assesses whether they have the ability to succeed in their program and whether their occupational goal meets the criteria of Section 4. If the assessment determines that they have the ability to succeed and that their occupational goal meets the criteria of Section 4, they are fully eligible and enrolled in CSSP.

3. **Decisions.** The case manager and the participant will develop an ISS pursuant to Section 6. The ISS must list the services that will be provided pursuant to this Rule. The ISS, and any amendments to an ISS, constitute a decision and must be printed, signed by the participant, and a copy provided to the participant. A decision regarding initial eligibility, the person's ability to succeed in their program, or whether their program meets the requirements of Section 4 must meet the requirements of Section 7. Every decision must be in writing, must be sufficiently specific for the customer to understand why it is made, and must be given in hand or mailed to the customer.

#### **SECTION 4: HIGH COMPENSATION OCCUPATIONS WITH DEMAND FOR SKILLED LABOR**

1. **Choosing industries and occupations.** The education or training provided through CSSP must be for employment with high compensation occupations with significant demand for skilled labor. The industries that meet this criteria are chosen by the following process:
  - A. **Review of Statewide recommendations.** At least annually, the Commissioner will review recommendations and labor market analysis from the Maine Department of Labor's Center for Workforce Research and Information (CWRI) listing high compensation occupations in significant demand in Maine, will seek a recommendation from the Maine Jobs Council, and will approve a final list (hereinafter referred to as the "occupations list") by April 1<sup>st</sup> of the year.
  - B. **Regional recommendations.** If a regional organization, including a Local Workforce Investment Board established pursuant to the Workforce Investment Act, a business organization, an educational institution, a labor organization or similar group, perceives a demand for an occupation or occupations with high compensation in their region that are not included on the approved occupations list, they may petition the Commissioner to include them.
  - C. **Individual petition.** An individual who seeks to pursue training or education for an occupation that is not on the occupations list, may petition the Director of the Bureau for a determination that the education or training that they seek may be supported by CSSP. The petition will be granted if the individual can demonstrate that the occupation offers high compensation and is in sufficient demand that the individual is likely to find employment in the region(s) where they intend to seek work
2. **Honoring educational commitments.** The removal of an occupation from a list applies only to those newly eligible for CSSP and does not apply to participants found initially eligible for CSSP before the industry was removed.

3. **Informing Applicants and Participants.** The occupations list and a list of services provided by CSSP must be provided to every CSSP applicant or participant prior to the development of the ISS.

## **SECTION 5: NO SUPPLANTATION; MAXIMIZING USE OF OTHER RESOURCES**

1. **No supplantation.** No CareerCenter or organization receiving CSSP funds may supplant other funds with CSSP or CSSF funds. Competitive Skills Scholarship Finds (CSSF) and other sources of funding available to assist people pursuing post-secondary education shall be combined to maximize available dollars. Policies affecting eligibility standards or level of education, training and support services available for individuals in post-secondary training and education under WIA shall not be changed by local WIA areas so as to reduce the level of such services absent written approval of the Director of the Bureau. The local WIA areas must expend the percentage of WIA spending on education and training established in their local WIA plans.
  - A. **TAA and TRA.** Individuals eligible for Trade Adjustment Assistance (TAA) must exhaust all other resources needed to participate successfully in their training program. If an individual receiving TAA needs a support service that is not available under TAA in order to participate successfully in his or her training program, eligibility for that support service under CSSP may be determined. Persons eligible for a TRA allowance are not eligible for the CSSP training stipend under section 6 of this rule. The case manager will determine whether applicants to CSSP may be eligible for TAA or a TRA allowance.
  - B. **WIA.** CareerCenter customers seeking education and training assistance should be treated as applying for both CSSP and WIA. Persons eligible for both WIA and CSSP shall receive WIA services in accordance with the written WIA policies (including policies that determine the amount or nature of education, training and support services) that are applicable to all WIA participants in the local WIA area. Taking into account written local WIA policies and CSSP rules, each ISS should maximize the availability of education, training and related support services from all funding sources. All ISS plans containing CSSP funding must be reviewed by the CareerCenter Manager designated by the Director of the Bureau. WIA assistance shall not be reduced if a person who is already participating in WIA applies for and is eligible for CSSP unless WIA funding for the individual under local WIA policy or WIA funding for education and training and related support services for the region has been exhausted.

By December 1, 2008 and at least annually thereafter, BES will review WIA and CSSP expenditures to determine the extent to which both are being maximized for education and training and related support services.
  - C. **Dislocated Worker Benefits (DWB).** Applicants who are likely to be eligible for Dislocated Worker Benefits must apply for those benefits. If a person is determined eligible for DWB, they are not eligible for the CSSP training stipend.
  - D. **Vocational Rehabilitation.** If an applicant or participant who has a disability is eligible for funding from Vocational Rehabilitation (VR) or a similar program to help them participate in

their education or training program, then, to the extent that funding is available in a manner that does not delay commencement of their program, VR funding must be obtained. CSSP services necessary to participate in the education or training program and that are not available through VR may be provided. Case managers must assist those with a disability in accessing other programs that may assist them with education, training and support expenses in addition to assisting in access to CSSP.

- E. **Parents as Scholars.** Parents who are eligible for Parents as Scholars (PaS) (which provides support for education similar to CSSP) may not simultaneously be eligible for CSSP. Parents with children who receive TANF will be required to apply for PaS by contacting their ASPIRE worker. Single parents or two-parent families where one parent is disabled or unemployed with household income below 75% of the poverty level are required to apply for TANF and Parents as Scholars at the Department of Health and Human Services if they have not done so already.
  - F. **Financial Aid.** Aid from CSSP must be calculated only after all other federal, state and campus-based sources of financial aid (not including loans or federal work study) have been considered. If the financial aid administrator involved confirms in writing that an application for federal financial aid would be futile then the participant need not apply and CSSP may assist.
2. **Identifying Non-CSSP Supports.** The case manager and the participant must identify public programs in addition to CSSP that could assist the participant in affording his or her education or training program. The case manager must review with the participant, at a minimum, the availability of the Earned Income Tax Credit (EITC), Food Stamps, and health coverage, and provide information about those resources to participants as needed.
  3. **Documentation.** Support from programs other than the CSSP to which the participant has been referred, has applied for, receives or expects to receive must be documented in the ISS.

## SECTION 6: INDIVIDUAL SERVICE STRATEGY

1. **Informed Career Planning; Individual Service Strategy.** For purposes of this rule, an ISS is an education or training plan that shows, among other things, all sources of funding administered by the CareerCenter that assist participants in succeeding in their program. Those ISS plans that include CSSP funding must comply with this rule. CareerCenter staff must endeavor to assure that all applicants and participants, before their ISS plans are developed, are fully informed of the opportunities available to them through CSSP as well as through other programs. In addition to the occupations established in Section 4, applicants and participants must be provided, in writing, a complete list of education, training and support services available through CSSP so that they may check those services they are requesting. A list of the same services must also be made available to CareerCenter customers so that may understand the opportunities available if they wish to apply.
2. **Timing.** The ISS must be created within forty-five (45) days from the date of application. Services provided under the ISS commence when the ISS is first created and signed by the participant.

3. **Assessment.** The assessment determines whether a person who is initially eligible for CSSP has the ability to succeed in their program and whether their education or training and related occupational goal meets the criteria of Section four. The assessment also assists the participant and case manager in determining the participant's education and training and support service needs. The case manager and the participant must:
  - A. Review the industries and occupations available pursuant to Section 4, together with labor market information about the demand for employment, the value of wages and benefits, educational requirements and availability of educational programs for particular occupations of interest to the participant.
  - B. Determine the individual's ability to succeed in his or her chosen program. Any person who has already been admitted to their degree program at an education or training institution that is eligible to receive financial aid funds under the Higher Education Act is deemed to have the ability to succeed in their program.
  - C. List the various supports that may be available within and outside of CSSP that may assist the participant to succeed educationally and survive financially during the course of his or her education.
  - D. Assess whether prerequisite, developmental, English language learner or refresher courses are needed to participate successfully in a program leading to a postsecondary degree or certificate. If assessment tools are needed, they should be administered at the lowest reasonable cost by either the CareerCenter or by qualified staff at another organization.
  
4. **Selecting an occupational and education or training goal.** The participant selects his or her occupational and related education or training goal. The participant's goal must be within the occupations in significant demand established in Section 4. CSSP will support the undergraduate education or training needed to achieve that goal if it results in a postsecondary certificate, degree, or similar credential that is universally recognized and accepted by the trade or industry in which the participant intends to seek employment and that is likely to provide opportunity for employment in jobs that will provide substantial improvement in the participant's capacity to earn wages and benefits. If a participant's goal requires a graduate level degree, CSSP will support only the education needed to achieve the relevant undergraduate degree. In this circumstance, the relevant undergraduate degree is presumed to meet the requirements of this paragraph. A program is a postsecondary program if a person entering it has a high school diploma or GED before they enter the program that will grant the credential they seek. The ISS must state:
  - A. The participant's occupational goal and the education or training required meeting that goal.
  - B. The expected compensation on entry to the occupation and as an average for the occupation based upon available data.
  - C. A reference to Section 4 showing the occupational goal is either on the occupations list or meets the individual petition requirements.
  
5. **Selection of education or training program.** An education or training program for an individual must be at the lowest cost available to the individual within his or her commuting area, provided that it is of good quality as determined by CSSP. Online courses or programs,

regardless of their base of operations, are considered to be within the person's commuting area. Programs must be on the State WIA or TAA eligible provider list or must be accredited by a regional or national accrediting body recognized by the U.S. Department of Education. All participating education or training programs must offer degrees, licenses or industry-recognized certificates.

A. Public vocational schools, community colleges or university programs are presumed to be the lowest cost alternative unless there is evidence to the contrary.

B. For any developmental, prerequisite, English Language Learner or refresher program priority will be given to Maine Adult Education and the College Transitions Program or programs approved by the Department that are the most cost effective. Expenditures from the participant's federal financial aid award to cover these costs should be avoided.

(1) The duration of developmental, prerequisite, English Language Learner or refresher courses must relate directly to the individual's education or training program as developed through the assessment and shall not exceed one year in duration from the date of enrollment in the first course. The correlation between the duration of this education and the individual's goal must be documented in the ISS.

(2) Persons participating in developmental, prerequisite, English Language Learner or refresher courses must attend full time to be eligible for the stipend. Full time in these programs is equivalent to nine (9) hours per week of classroom training;

C. Location. Location of training should be considered.

(1) Preference must be given to training that is offered within the individual's normal commuting area. If more than one training provider exists offering training for the same credential of comparable quality within the commuting area, then the least expensive training institution will be chosen. When suitable training is not available within the commuting area, training outside the area may be authorized if available at a reasonable cost pursuant to this Chapter.

(2) Training programs located outside of Maine for individuals residing in Maine shall not be approved unless appropriate training is not available within the state and within the individual's commuting area. Training programs located outside the State of Maine may be approved if the training program is within the individual's commuting area. Any training program conducted at a location outside the United States is not allowed unless it is in Canada and within the participant's commuting area.

6. **Duration of Education or Training.** The participant must complete his or her education or training program within twice the amount of time a full-time student, as defined by the institution, would ordinarily complete the program. This permits a participant to choose to work part-time or meet other essential obligations and still access the program. If the individual requires developmental, English Language Learner, refresher or prerequisite education, then, to the extent required, the maximum duration may be extended up to one year. This paragraph should not be construed to prevent a participant who began in CSSP with a goal of a two-year undergraduate degree to then choose to pursue a four year undergraduate degree so long as the total length of the program does not exceed that which is permitted for a person seeking a four year degree. The

Director of the Bureau, the Commissioner or the Deputy Commissioner of the Department under exceptional circumstances may waive this provision.

7. **Document in ISS.** The education or training goal, the education or training provider, the location of the training, and the expected duration of training will be documented in the ISS.

8. **CSSP Education. Training and Support Services.**

**A. Provisions applicable to all CSSP services.**

- (1) CSSP provides education, training and support services, as provided in this rule, that are not reasonably available from another publicly available source and that are necessary for participants to successfully complete the education and training program established in the ISS. All costs for services and goods must be verified with documentation before they are paid by CSSP.
- (2) CSSP assistance must not exceed that which is necessary for the individual to participate in his or her plan. Any ISS resulting in total \$ for a participant for a state fiscal year cost (except for the cost of CSSP stipends, the cost of Childcare and the cost of "other needs" described in Section 6.8.D.7) projected to be greater than \$8,000 for a full time student and \$4,000 for a part time student must be approved by the Director of the Bureau, the Commissioner, or the Deputy Commissioner. Full-time and part-time student status is defined by the institution the person attends.
- (3) CSSP pays only for the least expensive education or training program or support service provided that it is accessible for the participant and is of acceptable quality as determined by CSSP.
- (4) Any documented and substantiated misuse of funds, purchased goods and/or services by a participant will be grounds for the termination from the program.
- (5) CSSP participants are required to cooperate in providing information available to them for the purpose of investigation of such allegations of misuse of funds and CSSP quality or financial control audits. Failure to cooperate is grounds for termination from the program.
- (6) CSSP services may be adjusted and provisions in this Chapter may be disregarded to the extent necessary to reasonably accommodate a person with a physical or mental disability pursuant to the Americans with Disabilities Act and Maine's Human Rights Act. Such adjustments must be approved by the case manager's supervisor and noted in the ISS..

**B. Student Aid.** Delivery of CSSP education, training and support services must be structured in a manner that maximizes other sources of student financial aid, excluding loans. For CSSP services that are also included in the cost of attendance, as defined by the institution, CSSP will cover unmet need as determined by the institution after all other public and private sources of grant aid, including institutional aid, have been applied, to the extent permitted by this rule. If financial aid is available, case managers must refer participants to the financial aid offices of the education and training institution involved and, as needed, to other organizations that may assist in helping with the financial aid process. To maximize financial aid the case manager and the participant must consider:

- (1) Whether to request the financial aid office to exercise professional judgment in calculating the student's financial aid. (A list of reasons for which professional judgment may be exercised will be provided to the participant and the case manager.)
  - (2) How much, if any, "unmet need" the participant has when determining their financial aid and how much of the financial aid package is in the form of loans.
  - (3) The costs counted toward the cost of attendance in determining the financial aid.
- C. Tuition and fees.** CSSP may assist with tuition and mandatory fees up to the usual rate charged by the institution, but no more than the in state per credit hour cost and mandatory fees established for the University of Maine. CSSP also assists with reasonable costs associated with prior learning assessments that may allow the participant to progress more quickly through his or her education or training program.
- D. Support services.** The following support services are available to CSSP participants to the extent they are necessary for the participant to successfully complete his or her education or training program.
- (1) **Childcare.** CSSP pays for childcare for children in the participant's household who are under the age of thirteen (13) or physically or mentally incapable of caring for themselves. In situations that are not included above but are recognized to exist and are authorized by the case manager's supervisor, CSSP will pay for childcare when it is required for a participant to meet his or her education or training obligations. Conditions that must be met to obtain childcare assistance are as follows:
    - (a) To be eligible for childcare from CSSP, participants must agree to apply for any publicly available funding for that care that may be available. Participants requiring childcare must be referred to the appropriate agency in their area that administers subsidized childcare programs. Participants with children 3, 4, or 5 years old must also be referred to the Headstart program in their area. CSSP assists with childcare during times, including time spent on a waiting list, that other funding does not.
    - (b) Participants are not required to agree to apply for or accept childcare that limits their choice of childcare provider except that the care must be provided by a licensed or registered childcare provider or a legal in-home provider. If the provider is caring for more than two (2) unrelated children, then the home must be licensed or registered prior to commencement of CSSP paid childcare.
    - (c) CSSP will pay for childcare at a rate that is no more than the rates paid by the Maine Department of Health and Human Services for the transitional childcare program.
    - (d) To maintain continuity of childcare services, and if it is the established practice of a childcare provider to charge the general public for such periods of time, CSSP may pay the provider for holidays, semester breaks, and, as needed, up to thirty (30) days prior to the onset of a person's program in order to secure a childcare slot.
    - (e) Childcare providers who are paid by CSSP must allow access to the child by the custodial parent or legal guardian (or others with express written permission of the custodial parent or legal guardian), during hours that the child is in care. CSSP does

not pay childcare providers who are members of the participant's household or who have a legal obligation to support the child.

(2) **Transportation.** CSSP will provide assistance with transportation as follows:

**Mileage or other transportation.** The shortest mileage to and from the education or training institution and the participant's home, permitting stops to drop off or pick up children may be reimbursed at the mileage rate established for employees of the State of Maine and the cost of tolls. This reimbursement is provided to any participant who travels 10 miles or more (each way) from his/her home to the training facility and/or to drop off or pick up children for those days when he/she participates in scheduled classes. If other forms of transportation such as car pool or public transportation are reasonably available in light of the participant's schedule, the department provides the cost of the less expensive transportation.

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- (a) **Auto Repairs** - CSSP pays up to \$ 1000 per participant perstate fiscal year on a vehicle used by the participant while participating in his or her education or training program, to the extent it is necessary for the vehicle to operate or pass inspection. CSSP pays only repairs on a vehicle that is registered to either the participant or a member of the participant's household (Household as defined in Section 1.7). CSSP requires that a copy of the automobile registration be submitted prior to approval of repairs. Other conditions for auto repair assistance include the following:
- i. Repair costs must be approved in advance of the actual service except in the case of an emergency. The participant is required to apply for and provide an estimate and evidence of the need for the repair, which has been signed by a licensed inspection mechanic, prior to approval being given. A qualified person of the participant's choice may perform the actual repair. In an emergency, the participant should request payment or reimbursement for a tow or repairs.
  - ii. Payments of approved repair costs are made only following submission of an itemized bill.
- (b) **Auto Liability Insurance** - CSSP will pay the cost of the minimum liability insurance required by Maine law up to a maximum of \$1000 per state fiscal year for a vehicle registered to and primarily operated by the participant and necessary to participate in his or her program. CSSP requires that a copy of the automobile registration be submitted prior to approval of payment for auto liability insurance.
- (c) **Advance payments** - Transportation payments may be made in advance upon request of the individual if deemed appropriate. An adjustment shall be made if the amount of the advance is less or more than the amount to which the individual is entitled under this Chapter.

(3) **Eye Care.** With prior approval, CSSP pays the cost of eye care that is not covered by other sources and that is necessary for the participant to participate in his or her education or training program. Payment for eye care appliances must be for the least expensive quality option to correct the deficiency and must not exceed \$350 per state fiscal year. If a participant has an unusual vision condition requiring special lenses this rate may be

exceeded to cover the least expensive quality option necessary to correct the condition upon verification of the need and cost in writing from an optometrist or ophthalmologist.

- (4) **Dental Care.** CSSP pays the cost of dental care that is not covered by other sources and that is necessary to alleviate pain or for the participant to be able to participate successfully in his or her program or to apply for or take employment. These payments must conform to MaineCare rates where such a rate is scheduled. If there is not a scheduled MaineCare rate, CSSP pays for the least expensive quality dental service necessary to correct the condition upon receipt of verification of cost and need in writing from a dentist. CSSP may request a dental review by a dentist retained by the CareerCenter if rates or the need for the service are in question. CSSP does not pay for orthodontics. Dental care reimbursement is limited to \$2,000 per participant for the period of CSSP enrollment.
- (5) **Books, supplies, tools, equipment, and uniforms.** CSSP pays for required books, supplies, tools, equipment, uniforms or similar education or training-related items. To be reimbursed they must be required for everyone in the class or program. If unusual circumstances require items that are not mandatory for every one else in the class but are necessary for the participant to successfully participate, the case manager may approve them only with his or her supervisor's approval. The need for books, supplies, tools, equipment and uniforms must be documented.

**Computers and related technology.** If a participant does not have reasonable access to a computer of sufficient capacity to successfully participate in his or her education or training program, then CSSP may contribute up to \$600 for one time only for the purchase of a new or refurbished computer or to upgrade an old one, so long as the upgrade is necessary for participation in the participant's program and so long as the purchase or upgrade is the least expensive one necessary to meet the participant's education or training needs. The \$600 cap may be exceeded in extraordinary circumstances with approval from the program manager.

- (6) CSSP may also pay up to \$40 per month for an Internet connection.
- (7) **Other needs.** If a need arises that is not enumerated in these rules, but is necessary for successful participation in the participant's education or training program, the case manager may authorize up to \$1000 per state fiscal year to meet such unanticipated need. Such needs may include emergencies such as the threatened disconnection of a utility, the loss of heat or shelter, prescription medication not covered by insurance or similar emergency needs that if not met could derail a participant's successful participation in their program. Payment under this section should be made only if the emergency cannot be resolved with assistance from another available source and only if the dollars available under this section (alone or in combination with other resources) are sufficient to resolve the emergency.

E. **Training Stipend.** Participants whose household income is below 125% of the federal poverty level are eligible for a monthly training stipend for any month in which the

participant must attend his or her education or training program. To be eligible for the stipend in a given month, the participant must be enrolled in a minimum of 6 credit hours of classes as defined by the training institution. For those participating full-time, the stipend equals one-third of the maximum weekly unemployment benefit in Maine (as determined annually by the Bureau of Unemployment Compensation) and will be paid monthly. For those participating part-time who enrolled in the program on or after March 30, 2009, the stipend equals one-half of the stipend for full-time participants. For those participating part-time who enrolled prior to March 30, 2009, the stipend is the same as for those participating full-time. For any household that includes a participant who enrolled after March 30, 2009, no more than two stipends may be received in a household even if there are more than two household members participating in the program. Full-time and part-time student status is defined by the institution the person attends unless these rules specifically state otherwise.

Participants who are eligible for dislocated worker benefits, unemployment compensation or Trade Readjustment Act benefits are not eligible for a CSSP stipend in any month that they are eligible for and receiving one of these benefits. Participants must be screened to determine if they may be eligible for such benefits.

Participants who have no ongoing room and board expenses are not eligible for the stipend. Therefore, participants living in a residential healthcare facility, a correctional facility, a dormitory or a homeless shelter are not eligible for the stipend. (Participants living in a homeless shelter, however, may be eligible for an emergency payment (Section 6.8.7 – Other Needs) to assist in obtaining stable housing if it would prevent homelessness from derailing the participant’s successful participation in his or her education or training program.)

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9. **Other Documentation in ISS.** The ISS must document the participant’s goal, education or training program, the post-secondary certificate or degree the participant seeks, any remedial, English language learner, prerequisite or refresher courses the participant will take, the length of time the participant expects it will take to complete his or her education or training and an enumerated list of education, training and support services, with their estimated costs, that CSSP will provide.
  - A. **Amendments.** The ISS maybe amended at any time due to unanticipated or changed circumstances, provided that the program will be completed within the time established under paragraph 6 of this section.
  - B. **Right to appeal.** Each ISS and ISS amendment must include in plain language notice of the participant’s right to appeal as described in Section 7 and notice of how to file an appeal or request a hearing if he or she is dissatisfied with the ISS.
10. **ISS Review.** The terms of the ISS, including eligibility for a CSSP stipend, must be reviewed by the case manager and the participant every school term, or no less than every six months.
11. **Satisfactory Progress.** To remain eligible for CSSP, participants must make satisfactory progress in their education or training program. A participant is making satisfactory progress if they remain in good standing at the education or training institution where they attend and remain able to complete their program within the time specified in this section. If a participant is placed on “academic probation” by the educational institution, he or she may have one term in which to regain good standing before being terminated from CSSP.

## SECTION 7: APPEALS

1. **Appeal to CSSP Program Manager.** An applicant or participant who is dissatisfied with a CareerCenter's decision related to the eligibility for or the provision of CSSP services has the right to file a written appeal with the CSSP Program Manager within 30 days of the decision. If the customer files a written appeal within ten (10) days of a decision to terminate the participant from the program or terminate or reduce assistance provided for in a currently effective ISS, then the decision will not be implemented pending the outcome of the administrative appeal process. Any writing may be used to file an appeal. The CSSP Program Manager will issue a written decision within fifteen (15) days of the filing of the appeal. The decision may reflect an agreed resolution to the appeal or, if no agreed resolution was reached, it will reflect the CSSP Program Manager's decision.
2. **Appeal of CSSP Program Manager's Decision.** The customer may appeal the CSSP Program Manager's decision by filing a written request for a hearing by a hearing officer. The request must be filed with the Program Manager within 30 days of the date of issuance of the CSSP Program Manager's Decision. The 30-day appeal period may be extended up to 15 additional days if the individual can show good cause for failing to appeal within the initial 30-day period. Upon receiving a request for a hearing, the Program Manager shall forward it, together with a copy of the decision being appealed, to the hearing authority designated by the Department.

The Administrative Hearing Officer shall conduct a hearing in accordance the Maine Administrative Procedures Act 5 M.R.S.A. ch. 375, subchapter 2 and render a decision within 30 days of the hearing request. The Hearing Officer may affirm, set aside, modify or remand the CSSP Program Manager's decision. A hearing decision affirming, setting aside or modifying the CSSP Program Manager's decision pursuant to this section is final agency action and may be appealed to the Superior Court.

3. **Notices.** All decisions regarding eligibility for CSSP or regarding the benefits provided under CSSP, including the ISS, must be in writing and must provide notice to the participant of his or her right to appeal to the Program Manager, and if dissatisfied with that decision, to appeal by requesting a fair hearing. CareerCenter staff shall assist customers who express a desire to file an appeal or hearing request with the process.

## SECTION 8. GENDER EQUITY.

The CSSP goal for placing participants in education or training leading to nontraditional occupations (NTOs) is the same as for any policy in WIA that is designed to provide an incentive for greater enrollment into NTOs. In addition to tracking NTO training and job placements, the Department will track participation based upon occupational goal and level of education required by gender.

## SECTION 9. LIMIT ON ADMINISTRATION AND CAREER COUNSELING.

Beginning in state fiscal year 2008-2009, the Department shall expend no more than ten percent of the annual revenue to the Competitive Skills Scholarship Fund on career counseling and administrative costs.