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Postsecondary Education (PSE)

2400 Postsecondary Education (PSE) (07/01/2011, 10-16)

The postsecondary education (PSE) program is a solely state-funded program to assist parents in eligible low-income families to obtain two- or four-year postsecondary undergraduate degrees in fields directly related to employment. The PSE program provides financial assistance, case management, and support services. In eligible two-parent families, only one parent at a time may participate in the PSE program and the second parent must be employed if able to work. Eligibility is based on financial and non-financial criteria.

The PSE program is not an entitlement program. Participation may be denied to applicants meeting the eligibility criteria if program funds are insufficient for all eligible applicants to participate. If program funds are insufficient to serve all eligible applicants, the priorities for admission to the PSE program established by these regulations will be followed.

At the discretion of the commissioner, the department may fund certain families' PSE financial assistance with state funds claimed as TANF Maintenance of Effort (MOE) when such funding meets the intent of TANF regulations and the participating family is meeting the applicable Reach Up work requirement with hours in postsecondary education or other approved work activity.

Definitions

2401 Definitions (04/01/2008, 08-02)

- A. Able-to-work: Free of any physical, emotional or mental condition that would prevent the individual from engaging in full-time employment.
- B. Able-to-work-part-time: Having a physical, emotional or mental condition that would allow the individual to engage in employment for at least 10 hours per week but would prevent the individual from engaging in employment for 35 or more hours per week.
- C. Applicant: A parent who is applying for admission to the PSE program.
- D. Approved College: Any institution of higher education that is certified by the state board of education as provided in 16 V.S. A. §176 - 176a. or any institution of higher education that is accredited by the New England association of colleges and secondary schools, or a comparable accrediting agency, or any institution accredited by the Vermont state board of nursing as provided in 26 V. S. A. §1573-1574 and 1581.

“Approved college” shall also include any technical school or institution that admits students who have completed the twelfth grade or its equivalent, is legally authorized to provide a program of post-secondary or technical education designed to equip individuals for useful employment in recognized occupations and is accredited by a nationally recognized accrediting agency or association or a state accrediting agency or association listed by the United States secretary of education pursuant to 20 U.S.C. §1085(c)(4) (P.L. 89-329) or by any other means of accreditation approved by the state board. It does not include regional technical centers or other institutions that do not offer two-year or four-year postsecondary education degrees.

As used in these regulations, the word "college" means "approved college."

An approved college shall not include a college located more than 75 miles outside of the Vermont border, except when the out-of-state college offers a program in a major in a field of study required to meet the applicant or participating parents occupational goal and such program is:

- Not available within Vermont or the 75 mile limit; or
 - Closer to the applicant/participating parents place of residence than a program within Vermont or the 75-mile limits.
- E. Case manager: As used in this rule, case manager means a person with that job title or other appropriate person designated to perform the case management function.
 - F. Commissioner: The Commissioner of the Department for Children and Families or the commissioner's designee.
 - G. Degree-related job: Any employment related to the occupation specified in the last approved PSE plan.
 - H. Dependent child means a child who:
 - 1. is a resident of this state; and
 - 2. is under the age of 18 years; or
 - 3. is 18 years of age or older and meets both of the following two criteria:
 - is full-time student in a secondary school or attends an equivalent level of vocational or technical training, and

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- is reasonably expected to complete the educational program before reaching the age of 19 or is not expected to complete it before age 19 solely due to a documented disability.
- I. Family: The parent in a single-parent family or both parents in a two-parent family and all minor dependent children residing with, cared for by, and in the physical custody of the parent or parents full time or no less than 50 percent of the time if in accordance with a court-approved shared custody agreement or order.
- J. Field directly related to employment: A field of study in which employers are most likely to seek graduates to fill positions in the occupation specified in the participating parent's PSE plan. Employers in this context refer to entities that employ individuals in this occupation at sites located in the labor market area in which the participating parent plans to seek employment.
- K. Full-time: Forty (40) hours per week or a position requiring no fewer than thirty-five (35) hours of work per week that the employer defines as full-time.
- L. Good Academic Standing: Satisfactory academic progress as determined by the academic policies of the college the participating parent is attending.
- M. Labor Market Area: The geographic area used for this purpose by the Vermont Department of Labor or the comparable agency in another state if the participating parent intends to seek employment out-of-state.
- N. Making Progress Toward a Degree: An academic record of the participating parent, during the first third of the parents participation in the program, that demonstrates the likelihood the parent will be able to:
1. Complete satisfactorily the college's general requirements for attainment of a two-year or four-year postsecondary undergraduate degree and the specific requirements for completion of the field of study specified in the PSE plan, and
 2. Complete these requirements within the schedule in the PSE plan for completion of the degree, taking into consideration modifications or extensions approved in accordance with 2406.
- Continuation in the program during the last half of the parent's schedule of participation shall be contingent upon an academic record that clearly demonstrates the likelihood that the requirements cited above will be met.
- O. Matriculating or Matriculated Student: An applicant who is attending, has been accepted at or has applied to a two-year or four-year postsecondary undergraduate degree program. An applicant who plans to attend the Community College of Vermont (CCV) and provides documentation of completion of the CCV basic skills assessment and no requirement to take basic skills courses or, when this requirement applies, successful completion of these courses; and completion of a financial assistance application shall be considered a matriculated student.
- P. Occupation: A specific job title or cluster of related job titles, as listed in the *Dictionary of Occupational Titles*, the *Occupational Information Network*, the *Occupational Outlook Handbook*, or other relevant employment-related services or publications.
- Q. Parent: A biological parent, stepparent, or adoptive parent, as defined by state law, who has physical custody of and resides with a dependent child full time or no less than 50 percent of the time if in accordance with a court-approved shared custody agreement or order. This term includes individuals who have entered into civil unions. This term does not include pregnant women or caretaker relatives who are not a "parent" within the definition above.

Definitions

- R. Participating Parent: A parent who is receiving financial assistance and/or case management and support services through the PSE program. In a two-parent family, it is the parent who is pursuing postsecondary undergraduate degree.
- S. Participating Family: A family in which one parent is a participating parent.
- T. Postsecondary education (PSE): Courses taken at an approved college by a matriculated or matriculating student in a two-year or four-year postsecondary undergraduate degree program.
- U. Postsecondary education program (PSE program): A state-funded program of financial assistance, case management, and support services to assist parents in eligible families to obtain two-year or four-year postsecondary undergraduate degrees in fields of study directly related to employment.
- V. Unable-to-work: Not "able-to-work" and not "able-to-work-part-time."

Americans with Disabilities Act

2402 Americans with Disabilities Act (04/01/2008, 08-02)

As required by the Americans with Disabilities Act, the Department for Children and Families shall make reasonable modifications to its policies, practices and procedures when modifications are necessary, as determined by the commissioner, or the commissioner's designee, to avoid discrimination on the basis of disability. An applicant or participating parent may appeal a determination of the commissioner or the commissioner's designee to the Human Services Board, in accordance with departmental regulations governing appeals.

Initial Eligibility

2410 Initial Eligibility

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

1. Applicants shall demonstrate financial eligibility for the calendar year preceding the date of application.
2. Gross income shall be the basis for determining financial eligibility for the PSE program.
3. Verification of income shall be provided in accordance with the Reach Up program regulations.
4. The family's gross income minus the participating parent's earnings shall not exceed 150 percent of the federal poverty level for a family of the applicant family's size.
5. Gross income shall be determined using Reach Up rules.

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

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

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

1. All applicants who qualify for financial assistance automatically meet financial eligibility for case management services.
2. All applicants who qualify for financial assistance and subsequently are not eligible for financial assistance due to a change in circumstances continue to be eligible for case management during the program year in which the loss occurred and until the date of their next annual review provided they meet all the criteria at rule 2410.
3. Applicants who qualify for participation in the program, but do not qualify for PSE financial assistance may receive case management services

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

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

1. The applicant has the literacy skills necessary to participate successfully in the PSE program.
2. The applicant has a PSE plan that has been approved by the PSE plan review committee.
3. Only one parent per family may participate in the PSE program at the same time. For purposes of this condition, family includes two parents who live apart, but equally share physical custody of their child(ren).
4. In a two-parent family, the non-participating parent shall:
 - a. Be employed full time, if able-to-work;
 - b. Be employed part time, if able-to-work-part-time; or
 - c. Be unable-to-work
5. The applicant does not have a postsecondary undergraduate degree or, if the applicant already has a postsecondary undergraduate degree:

Initial Eligibility

- a. The occupations for which it prepared the applicant are obsolete, as determined by the commissioner or the commissioner's designee (rule 2426);
 - b. The applicant can no longer perform the occupations for which the degree prepared him or her due to a disability, as determined by the commissioner or the commissioner's designee (rule 2426); or
 - c. The preparation for occupations received by the applicant through the postsecondary undergraduate degree is outdated and not marketable in the current labor market, as determined by the commissioner or the commissioner's designee (rule 2426).
6. The applicant is a matriculating or matriculated student in two-year or four-year postsecondary undergraduate degree program as specified in the applicant's PSE plan.
 7. The applicant has been determined eligible for financial assistance from VSAC and can demonstrate the ability to cover tuition costs.
 8. The applicant agrees to limit employment to no more than 20 hours per week when school is in session. At the parent's request, an exception to the 20-hour limitation may be granted when the case manager has determined that both of the following requirements are met:
 - a. The increase in hours will not delay the student's progress or timeframe in obtaining the degree.
 - b. The additional hours of employment are in a position that either will result in credits toward the participant's degree or enhance the student's marketability in the field or her or his course of study.
 9. The 20-hour limit on hours of work per week shall be applied as follows in these special situations:
 - a. Single-parent applicants providing specialized foster care, professional parenting, or the equivalent to children in the custody of the Department for Children and Families (DCF) or not in DCF custody but placed in foster care by a licensed child placement agency and receiving additional compensation for those services shall be considered to be employed 20 hours per week. No additional employment shall be permitted when school is in session.
 - b. An applicant who is the contracted developmental home provider for an individual placed by the Department of Disabilities, Aging, and Independent Living (DAIL) or a developmental or mental health services agency under contract with DAAIL shall be considered to be employed for more than 20 hours per week.
 10. Participating families who are eligible for Reach Up financial assistance agree to accept PSE program financial assistance in lieu of a Reach Up financial assistance grant.
 11. The applicant and the applicant's family are Vermont residents.
 12. The participating parent continues to reside with and have physical custody of a dependent child.
 13. If the applicant already is engaged in a two-year or four-year postsecondary undergraduate degree program at the time of application, the applicant is in good academic standing and a member in good standing.

Continuing Eligibility

2411 Continuing Eligibility (04/01/2008, 08-02)

The Department for Children and Families shall conduct an annual review to determine continuing financial and non-financial eligibility for the PSE program and to determine the amount of any financial assistance. The annual review shall take place within the ninety-day period prior to the beginning of each academic term that marks an anniversary of the participating parent's participation in the PSE program.

A. Financial Eligibility for Financial Assistance

Continuing financial eligibility for financial assistance is determined using Reach Up financial eligibility rules governing reported changes of circumstances when they occur and at the annual review.

B. Financial Eligibility for Case Management Services

1. Participants who qualify for continuing financial assistance automatically meet financial eligibility for continuing case management services.
2. Participants who qualify for financial assistance and subsequently are not eligible for financial assistance due to a change in circumstances continue to qualify for case management services during the program year in which the loss occurred and until the date of their next annual review provided they meet all the criteria at rule 2410.
3. Participants who qualify for program participation by meeting the requirements of rule 2410 using income from the calendar year preceding the date of the annual review, but do not qualify for financial assistance may receive case management services.

C. Non-Financial Eligibility

1. The participating parent's PSE plan shall be reviewed and revised, as needed.
2. In a two-parent family, the nonparticipating parent shall:
 - a. Be employed full time, if able-to-work;
 - b. Be employed part time, if able-to-work-part-time; or
 - c. Be unable-to-work
3. The participating parent remains eligible for financial assistance from VSAC, which includes maintaining satisfactory academic standing as defined by the college, and continues to demonstrate the ability to cover tuition costs.
4. The participating parent agrees to limit employment to no more than 20 hours per week when school is in session.
5. Participating families who are eligible for Reach Up financial assistance shall agree to accept PSE program financial assistance in lieu of a Reach Up financial assistance grant.
6. The participating parent and participating family are residents of Vermont.
7. The participating parent is in good academic standing and making progress toward a degree.
8. The participating parent is a member in good standing at the college she or he attends.

General Application Requirements

2420 General Application Requirements (04/01/2008, 08-02)

- A. Applications and assistance, pursuant to rule 2462, in completing all parts of the application shall be available at decentralized locations statewide.
- B. Initial entry into the PSE program must begin in the fall or spring academic term, unless the applicant is a matriculated or matriculating student in an approved college that does not operate on a traditional semester basis.
- C. To be considered for admission into the PSE program, the applicant's complete financial eligibility application and necessary supporting documentation must be submitted to the commissioner within 30 days after the close of the application period.

Application Periods

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

- A. The application period for admission to the PSE program shall be between March 1 and May 31 for admission to the PSE program for the fall academic term and August 1 and October 31 for admission to the PSE program for the spring academic term, with the following exception:

Exception: For applicants who are matriculated or matriculating students in an approved college that does not operate on a traditional semester basis, the application period shall open one hundred and eighty days and close ninety days prior to the beginning of the term in which the applicant plans to take postsecondary education courses.

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

The application period shall close when the deadline for the application period or target number is reached, whichever happens first. If the target number for a given application period is not reached, the commissioner may extend the application period.

Financial Eligibility

2422 Financial Eligibility (04/01/2001, 00-32)

- A. In order to proceed with the complete application process, an applicant must first be determined to meet the requirements for financial eligibility for the PSE program.
- B. The applicant shall complete a financial eligibility application, including provision of documentation to support a determination of financial eligibility.
- C. Written notice of the decision on the financial eligibility application shall be given to the applicant within 20 days of the date the signed financial eligibility application was received. The notice shall include information on the applicant's appeal rights, and if the financial eligibility application is denied, the reasons for the denial.
- D. Upon determination that an applicant meets the requirements for financial eligibility for the PSE program, the applicant may proceed with the application process as detailed in rules 2423 - 2429.

Documentation

2423 Documentation (04/01/2008, 08-02)

All applicants must provide the following documentation as part of the application process:

- A. Documentation of full-time employment of non-participating parent, or if unable-to-work or able-to-work-part-time, of compliance with the requirements of rule 2425.
- B. Documentation that applicant is a matriculating or matriculated student in a two-year or four-year postsecondary undergraduate degree program. Applicants who have applied to but have not yet been admitted to a postsecondary undergraduate degree program shall not be eligible for the PSE program until they provide documentation of admission. For applicants who plan to attend CCV, documentation that the applicant has completed the CCV basic skills assessment and is not required to take basic skills courses or, if required to do so, has completed these courses successfully; and has completed a financial assistance application shall be considered documentation of admission.
- C. Documentation that the applicant is in good academic standing and a member in good standing if the applicant is already attending college.
- D. Documentation of eligibility for financial assistance from VSAC and ability to meet tuition costs.
- E. Documentation of Vermont residency.
- F. Documentation to support the determination of the amount of PSE financial assistance.

Literacy Assessment

2424 Literacy Assessment (04/01/2008, 08-02)

- A. As part of the application process, the commissioner shall assess the applicant's basic skills in reading, writing, and mathematics to evaluate the applicant's ability to participate successfully in the PSE program. Such assessment may be waived when, in the judgment of the commissioner, the applicant's record contains sufficient information, such as a high school transcript, rank in high school class, a GED transcript, responsibilities of jobs held, responsibilities of volunteer work performed, recommendations of teachers or employers, or scores from standardized tests (for example, SAT or ACT) to make this evaluation without the assessment.
- B. If the literacy assessment indicates that the applicant does not have the basic skills necessary to participate successfully in the PSE program, the applicant shall not be eligible for the PSE program. Applicants who do not have the basic skills necessary to participate successfully in the PSE program shall be referred, as appropriate, to Reach Up or VSAC for support for basic skill courses.

Non-Participating Parents Unable-to-Work

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

A. Disability

1. All non-participating parents who state they are unable-to-work or able-to-work-part-time because of a disability shall be referred to the Vermont Division of Vocational Rehabilitation (VR) for an assessment of eligibility for VR services and, if determined eligible, shall be required to accept VR services.
2. A non-participating parent who has been determined to be ineligible for VR services and who has not been determined to be disabled by the Social Security Administration or other state or federal program approved by the commissioner or the commissioners designee, shall be subject to the full-time employment requirement of the PSE program.
3. A non-participating parent who has been determined to be ineligible for VR services and who has been determined to be disabled by the Social Security Administration or other program approved by the commissioner or the commissioners designee shall not be subject to an employment requirement.

B. Domestic Violence

1. When a participating family is experiencing the effects of domestic violence, the non-participating parent may apply for an exemption to or modification of the employment requirement.
2. Domestic violence shall include the following acts if committed by a family or household member as defined in rule 2207: physical acts that resulted in, or threatened to result in, physical injury; sexual abuse; sexual activity involving a dependent child; being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; threats of, or attempts at, physical or sexual abuse; mental or emotional abuse; or neglect or deprivation of medical care.
3. The commissioner or the commissioners designee shall make an individualized assessment of the family situation, consistent with rule 2344.2. B.5, to determine whether an exemption to or modification of the employment requirement shall be granted.
4. Initial exemptions to or modifications of the employment requirement may be granted for a period of up to six months and may be extended for a period of up to six months at a time.
5. To retain or extend an exemption to or modification of the employment requirement, the non-participating parent must participate constructively in the development of and activities contained in a plan to address the effects of domestic violence. The plan may be developed with the commissioner or the commissioner's designee or be developed with another agency, such as VR, the Department for Children and Families' Family Services Division or other public or private service agency, and accepted by the commissioner or the commissioner's designee.
6. The non-participating parent shall be required to work part-time if the commissioner or the commissioners designee determines that the non-participating parent is able-to-work-part-time.

Pre-Existing PSE Degrees

2426 Pre-Existing PSE Degrees (04/18/2001, 00-32)

Applicants are not eligible for the PSE program if they already have a postsecondary undergraduate degree unless they meet one of the following exceptions, as determined by the PSE plan review committee:

- A. If the applicant states that she or he is unable to perform the occupation for which the pre-existing PSE degree prepared her or him because of a disability, the applicant shall submit medical evidence of the disability and evidence of its effect on the applicants ability to perform the occupation. The PSE plan review committee may request the services of a vocational consultant if it is unable to make a determination based on the documentation provided by the applicant.
- B. If the applicant states that the occupation for which the pre-existing PSE degree prepared her or him is obsolete or that the preparation for the occupation for which the degree prepared her or him is outdated and not marketable in the current labor market, the PSE plan review committee shall make a determination considering, but not limited to, the following factors:
 - 1. Current licensing requirements for a particular occupation cannot be met by the applicants previously obtained preparation or degree and those deficiencies cannot be remedied by taking current courses in a non-degree program;
 - 2. A person currently pursuing the same occupational goal would be required to complete substantially different requirements from those included in the previously obtained degree and those deficiencies cannot be remedied by taking current courses in a non-degree program.

Development of PSE Plan

2427 Development of PSE Plan (04/01/2008, 08-02)

All applicants must develop and submit a PSE plan as set forth in rule 2450. A decision by the PSE plan review committee shall be made within 30 days of the date on which the applicant submits the completed initial or modified PSE plan for review by the PSE plan review committee.

Conditions for Participation

2428 Conditions for Participation (04/01/2008, 08-02)

Prior to a final determination regarding eligibility for the PSE program, all applicants shall agree to the following conditions:

- A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to rule 2410, if applicable. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, periods in which the participant has been granted an exception, or any other term in which the participating parent is not taking any courses.
- B. Participating parents who receive PSE financial assistance 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.
- C. PSE financial assistance shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance. Participants currently receiving Reach Up financial assistance through vendor payments due to money mismanagement must consent to continued vendor payments until such time as the family's essential expenses are current.
- D. Financial assistance shall be determined in the same way as Reach Up financial assistance using Reach Up financial assistance rules.
- E. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Labor's local career resource center.

Notice of Decision

2429 Notice of Decision (04/01/2008, 08-02)

- A. A decision on the application shall be made no later than the tenth day of the month prior to the month in which the applicant would begin attending classes in the undergraduate degree program. If a decision is not made by this date through no fault of the applicant, the deadline for the decision shall be extended to permit eligible applicants to begin attending classes.
- B. Written notice of the eligibility determination shall be provided to the applicant.
 - 1. If eligibility is approved, the notice shall include the date on which eligibility for the PSE program will begin, the amount of financial assistance if the applicant qualifies, and the applicant's appeal rights.
 - 2. If eligibility is denied, the notice shall include the reasons for the denial and information on the applicant's appeal rights.
 - 3. If the applicant meets the eligibility requirements but is denied admission under the priorities stated in rule 2430, the applicant shall be informed of the next admission period and that her or his application will be kept on file. Applicants who request that the application on file be considered at the next admission period may be required to update the application and will be subject to the same determination and priority criteria as an applicant submitting a new application.

Priorities

2430 Priorities (04/01/2008, 08-02)

At the point where program funds are insufficient for all otherwise eligible applicants to participate, participation in the program shall be granted to applicants in the following order:

- A. Applicants without a college degree or who qualify for an exception under rule 2426, who have already demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought, and who qualify for PSE financial assistance.
- B. Applicants who have had no postsecondary education and who qualify for PSE financial assistance.
- C. Applicants without a college degree or who qualify for an exception under rule 2426, who have already demonstrated the ability to be successful in college by accumulating college credits that can be applied to the degree sought, and who qualify for case management services, but do not qualify for PSE financial assistance.
- D. Applicants who have no postsecondary education and qualify for case management services, but do not qualify for PSE financial assistance.
- E. If the number of eligible applicant families in the priority group under consideration exceeds the number of openings for PSE, admission to the program will be determined by random selection from that group.

Participants Receiving a Stipend April 1, 2007

2440 Participants Receiving a Stipend April 1, 2007 (04/01/2008, 08-02)

A. Financial Assistance Calculation Option

1. At the first annual review after April 1, 2008, PSE parents who are eligible for financial assistance and who were receiving a stipend in the PSE program on April 1, 2007, shall have their financial assistance amount calculated under PSE rules as in effect on April 1, 2007 and under current PSE rules.
2. Eligible parents may choose between continuing to receive their PSE financial assistance in a fixed monthly stipend as calculated using the PSE rules in effect on April 1, 2007 or to receiving a monthly financial assistance payment calculated as a Reach Up financial assistance grant under current rules.

B. Eligibility to Exercise Calculation Option

To be eligible to exercise the option in this section, the participating parent must:

1. have been receiving a PSE stipend on April 1, 2007;
2. continue to be financially eligible for a stipend at the annual review under rules in effect on April 1, 2007 ;
3. continue to meet PSE non-financial eligibility criteria;
4. not have previously exercised this option to have their financial assistance determined using current rules;
5. not have had any unapproved absences from the PSE program since April 2007; and
6. choose to continue to receive their PSE financial assistance in a fixed monthly stipend as calculated under PSE rules in effect on April 1, 2007.

PSE Plan

2450 PSE Plan (04/01/2008, 08-02)

- A. Each applicant shall develop a PSE plan with assistance, as needed, from staff. In addition, each applicant or participating parent shall propose modifications to the PSE plan when necessary to respond to a recommendation for modification or to support a requested change as specified in rule 2453.
- B. A PSE plan review committee shall be convened to review each PSE plan and each modified PSE plan. The committee shall consist of a core team including the staff person assigned to assist in PSE plan development; the participating parent's case manager, where applicable; the supervisor of the case manager or other staff person or the supervisor's designee; a person with labor market expertise; and a person with broad knowledge of educational opportunities in Vermont colleges. The commissioner may include others on the committee, depending on the needs of each applicant or participating parent. The applicant or participating parent may participate in the review.
- C. The PSE plan review committee shall make a determination of whether the applicant can achieve entry into the proposed occupation or into a substantially similar occupation by completion of an education and/or training program whose duration is 12 or fewer months. If so, the applicant shall not be eligible for the PSE program.
- D. The PSE plan review committee shall approve or disapprove of, or make recommendations for modifications to the PSE plan. The applicant or participating parent shall receive a copy of the committee's decision or recommendation. If the PSE plan review committee recommends modification, a revised PSE plan shall be submitted to the PSE plan review committee for consideration. If, within 30 days of receiving the PSE Plan review committee's recommendation for modification, the applicant or participating parent fails to submit a modified PSE plan and fails to appeal the request for modification, the PSE plan shall be deemed disapproved.
- E. If the PSE plan review committee disapprove of or recommends modifications to the PSE plan the applicant or participating parent shall be notified of her or his appeal rights.

PSE Plan Requirements

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

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

1. The name and location of the college at which the applicant or participating parent is matriculating or matriculated.
2. A statement of the occupational goal that the applicant or participating parent intends to pursue after receiving the postsecondary undergraduate degree and why the applicant or participating parent wishes to pursue this occupation.
3. The labor market area in which the applicant or participating parent plans to seek employment in this occupation.
4. The "field directly related to employment" in which the participating parent or applicant proposes to complete the postsecondary degree and the following supporting information that demonstrates the necessary connection between the parent's employment goal and the field of study:

- a. Documentation from three or more employers demonstrating the proposed field of study is these employers' preferred postsecondary field of study for the occupation the parent seeks to enter. Each employer documentation shall consist of one of the following: a Department of Labor (or comparable agency in another state) job listing, a job listing from a college placement office, a classified advertisement, information about desired qualifications for a position from an employer's web site, a letter from an employer, or comparable employer-specific documentation. When this documentation is available for at least one but fewer than three employers in the labor market area in which the parent intends to seek employment, the parent may substitute documentation from an employer in any labor market area in Vermont or in any labor market area that has boundaries contiguous with Vermont's borders.

This documentation requirement shall be waived in the case of a degree program in a field of study that is closely linked to an occupation or is "occupation-specific." Examples of such programs include a degree program in dental hygiene when the applicant seeks to become employed as a dental hygienist or a degree program in accounting when an applicant seeks to become employed as an accountant.

- b. With reference to the employers for which documentation is submitted pursuant to "a" above, the job titles for positions in the parent's chosen occupation and the entry-level wage for each position. When documentation of field of study preference in "a" above has been waived, documentation from three sources of the entry-level wage in the chosen occupation remains a requirement.
- c. The job titles for other occupations that can be pursued with this degree and field of study.
- d. A description of the career exploration activities the parent has completed to gather this information.
- e. A justification for the need of a four-year degree to achieve the occupational goal if the applicant is seeking a four-year degree in a field in which a two-year degree is commonly accepted for entry into the occupation.

PSE Plan Requirements

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

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

6. A schedule reflecting that, when an applicant has at least 15 credit hours of course credits that can be applied to the degree being pursued, four months for every 15 credit hours of course work that can be applied to the degree has been deducted from the three-year time period allowed for a two-year postsecondary undergraduate degree or the five-year time period allowed for a four-year postsecondary undergraduate degree.
7. A schedule reflecting that, when a participating parent who has already obtained a two-year postsecondary undergraduate degree through participation in the PSE program is pursuing a four-year postsecondary undergraduate degree, the time period that was used to obtain the two-year degree has been subtracted from the five-year time period allowed for a four-year degree.
8. The estimated cost per semester or academic term, including tuition and fees that apply to all students, and the financial resources the applicant or participating parent plans to use to pay for these costs.
9. During the last year of the degree program, the parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the parent shall seek employment using the services of the Department of Labor's local career resource center.
10. The number of hours scheduled for class time, the estimated number of hours needed for studying and preparing coursework outside of the classroom, and the method of documenting and verifying actual hours of participation and satisfactory progress.

Fields of Study/Majors

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

In compelling circumstances, the PSE plan review committee may consider exceptions to the “field directly related to employment” requirement that a field of study must be one “in which employers are most likely to seek graduates to fill positions” in the stated occupational goal. In order to approve majors in other fields of study, the PSE plan review committee shall require inclusion in the PSE plan of one or more of the following activities whose purpose is to strengthen the link between the chosen field of study and the attainment of the stated occupational goal:

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

Change in Occupation, Major, Degree or College

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

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

Modifications to Plan Schedule

2454 Modifications to Plan Schedule (04/01/2008, 08-02)

Whenever a participating parent does not complete or receives a failing grade for a course, the case manager shall meet with the parent to determine if it is necessary to modify the current course completion schedule to enable the parent to meet the time frames in rule 2451.

The PSE program is not an entitlement program. Participation may be denied to applicants meeting the eligibility criteria if program funds are insufficient for all eligible applicants to participate. If program funds are insufficient to serve all eligible applicants, the priorities for admission to the PSE program established by these regulations will be followed.

- A. When such modification cannot be reasonably accomplished, the applicable time frame may be extended for verified good cause reasons that are beyond the participating parent's control including but not limited to the following:
- The need to care for a family member with special needs;
 - A serious physical or mental health problem of an expected duration of greater than two weeks;
 - The learning disability of the participating parent;
 - The effects of domestic violence;
 - The death or serious illness or accident of an immediate family member or person residing in the household;
 - Some other equally disruptive set of circumstances as determined by the case manager and approved by the case manager's supervisor; or
 - The unavailability of courses essential to the major, field of study or for general requirements of the college in a particular semester
- B. An applicant pursuing a two-year postsecondary undergraduate degree shall be granted only one additional semester for good cause beyond the applicable time limit.
- C. An applicant pursuing a four-year postsecondary undergraduate degree shall be granted only two additional semesters for good cause beyond the applicable time limit.

Financial Assistance

2460 Financial Assistance (7/1/2015, 15-08)

- A. Participating parents determined to be otherwise eligible for financial assistance under the applicable Reach Up regulations for income and resources shall receive financial assistance equivalent to the Reach Up financial assistance amount for which she or he would be eligible. The amount of PSE financial assistance shall be determined and verified by the Reach Up rules and regulations.
1. The amount of PSE financial assistance is determined in accordance with Reach Up rules and shall fluctuate as the family's circumstances change. The initial amount shall be determined at the time of admission into the PSE program.
 2. The initial financial assistance payment shall be effective on the first day of the calendar month in which the participating parent begins attending classes in the degree program, unless the participating parent falls within the exception in rule 2460. A family may not receive PSE financial assistance and a Reach Up financial assistance payment for the same calendar month.
 3. If the deadline for the decision on an application was extended pursuant to rule 2429 and there is insufficient time to terminate Reach Up financial assistance prior to the first day of the month in which the participating parent begins attending classes in the undergraduate degree program, Reach Up financial assistance shall continue for that month in lieu of PSE financial assistance. PSE financial assistance shall begin in the month following termination of Reach Up financial assistance.
 4. Subject to notice requirements, eligibility for PSE financial assistance ends with the calendar month in which the participating parent begins an interruption in PSE program participation, receives the two-year or four-year degree specified in the PSE plan, or the family becomes ineligible due to changes in family circumstances .
- B. Case managers shall explain to participants who are found eligible for PSE financial assistance that the amount of PSE financial assistance is like a Reach Up grant and it may fluctuate from month to month.
- C. All Reach Up rules generally pertaining to Eligibility and Payment in rules 2200 through 2335 apply to the PSE program and are hereby incorporated into the PSE rules with the following exceptions:
1. Deadline for Application Processing rule 2210.3
 2. Assistance Pending Fair Hearing rule 2215
 3. Temporary Absence from the Home rule 2230.3
 4. Money Payment rule 2216.2

Support Services

2461 Support Services (04/01/2008, 08-02)

- A. A. Support services, including case management and other services that are directly related to participation in the PSE program, shall be provided within the limits of funds available to all PSE program participants regardless of whether they are financially eligible to receive PSE financial assistance.
- B. B. The following education-related needs may be addressed by support services payments or reimbursements, as specified below:
 - Books
 - Mandatory fees (excluding tuition)
 - Transportation and related costs (for example, car repairs, insurance, registration, title fees, drivers license fees, bus pass or other public transportation)
 - Education-related equipment and supplies
 - Clothing necessary for school program (for example, internships, work study)
 - Relocation costs
 - Temporary housing
- C. C. Although child care assistance is not considered part of “support services” it may be available to participating parents and shall be determined according to the Vermont Department for Children and Families child care program regulations. PSE program case managers shall make referrals to the community-based organization that administers the child care program authorizing the number of child care hours needed to support participation in the PSE program.
- D. D. Requests for support services shall be submitted to the participating parents case manager. If the request for a support service is denied, the participating parent shall be given written notice of the denial, including the reasons for the denial and information about the participating parent's right to appeal.

Pre-Participation Services

2462 Pre-Participation Services (04/01/2008, 08-02)

Prior to the initiation of case management services pursuant to rule 2471, assistance shall be available for:

- A. Completion of all aspects of the financial and non-financial application;
- B. Development of the initial PSE plan;
- C. Determination of the amount of the PSE financial assistance;
- D. Identification of majors or fields of study that are the most closely related to the applicants occupational goals;
- E. Identification of colleges that offer the most appropriate programs to meet the applicants occupational goals, taking into consideration family obligations and financial constraints;
- F. Application for financial assistance; and
- G. Coordination with DCF case managers for applicants who are recipients of Reach Up financial assistance.

Case Management

2470 Case Management (04/18/2001, 00-32)

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

Availability of Case Management

2471 Availability of Case Management (04/01/2008, 08-02)

- A. Case management shall be available to all participating parents in the PSE program from one month prior to the beginning of the academic term in which they will be taking classes until the month of their completion of the postsecondary undergraduate degree specified in their last PSE plan.
- B. Case management shall be available to participating parents on-site at all colleges located in Vermont. Participating parents shall also have access to their case managers through a toll-free telephone line.
- C. Case managers shall meet at least monthly, or more often as needed, with each participating parent to review academic progress, and support services, and generally to assist with PSE program participation. Meeting may be in person by telephone, or by other means as appropriate.

Case Management Services

2472 Case Management Services (04/01/2008, 08-02)

Case management services shall include, but are not limited to:

- A. Assisting with the review and revision of PSE plans;
- B. Serving on the PSE plan review committee;
- C. Assisting participating parents to identify majors or fields of study that are the most closely related to their occupational goals when a change in occupational goal is proposed;
- D. Assisting participating parents to identify colleges that offer the most appropriate programs to meet their occupational goals, taking into consideration family obligations and financial constraints, when a change in occupational goal is proposed;
- E. Assisting with identification of appropriate resources for academic advice and counseling;
- F. Considering and authorizing requests for support services;
- G. Scheduling annual reviews of continuing eligibility for the PSE program;
- H. Considering and determining whether there is “good cause” for interruptions in PSE program participation and whether extensions of time limits for completion of the PSE program should be granted;
- I. Assisting participating parents to obtain and maintain community-based social services;
- J. Referring participating parents to other state and federal benefit programs for which they may be eligible;
- K. Assisting participating parents to apply for financial assistance, including tuition for summer programs available through VSAC;
- L. Providing participating parents with information on and referrals to career placement services;
- M. Maintaining participant records;
- N. Attending trainings and meetings, including district meetings of the Department for Children and Families Economic Services Division to coordinate with Reach Up case managers;
- O. Providing participating parents with written notice of decisions and appeal rights; and
- P. Participating in fair hearings before the Human Services Board, as necessary.

Other Services

2473 Other Services (04/18/2001, 00-32)

Other services that may be provided include:

- A. Arranging support groups or informational workshops for participating parents, and
- B. Referring other family members for community-based social services or state and federal benefit programs for which they may be eligible.

Case Management During Interruptions

2474 Case Management During Interruptions (04/01/2008, 08-02)

- A. While PSE financial assistance does not continue during any interruptions in PSE, limited case management through the PSE program shall be available for participating parents who are taking an approved leave of absence from the PSE program (rule 2486). Case management shall be provided on an “as needed” basis during approved leaves of absence. Monthly case management meetings are not required during interruptions in PSE program participation. The focus of case management through the PSE program during approved leaves of absence shall be to assist the participating parent with successful re-entry to the PSE program.
- B. For participating parents who receive financial assistance through Reach Up during an interruption in PSE program participation, primary case management shall be provided by their Reach Up case manager.
- C. Case management through the PSE program shall not be available during unapproved interruptions in PSE program participation except in extraordinary circumstances, as approved by the case manager’s supervisor.

Conflict of Interest

2475 Conflict of Interest (04/01/2008, 08-02)

Case managers shall avoid conflicts of interest between the interests of the participating parent and the entity employing the case manager, particularly when assisting participating parents in identifying occupational goals, fields of study and majors most closely related to occupational goals, and colleges offering appropriate programs in those majors or fields of study.

Training provided to case managers shall include instruction on how to identify and avoid conflicts of interest.

Annual Review

2480 Annual Review (04/01/2008, 08-02)

The case manager shall schedule an annual review with each participating parent within 90 days prior to the beginning of the academic year or term in which the participating parent will be taking courses. Changes in PSE financial assistance shall be made as soon as administratively possible.

Documentation

2481 Documentation (04/01/2008, 08-02)

The participating parent shall provide the following documentation as part of the annual review process:

- A. Documentation to support determination of continuing financial eligibility for the PSE program;
- B. Documentation to support determination of PSE financial assistance amount;
- C. Documentation of the employment status of the non-participating parent;
- D. Documentation of eligibility for financial assistance from VSAC, which includes maintaining non-probationary academic standing, and ability to meet tuition costs;
- E. Documentation of Vermont residency;
- F. Documentation that the participating parent is making progress toward a degree;
- G. Documentation of good academic standing;
- H. Documentation that the parent is a member in good standing at the college she or he attends, and;
- I. Documentation, if applicable, that employment will be reduced to no more than 20 hours per week when the participating parent is taking one or more courses.

Review of PSE Plan

2482 Review of PSE Plan (04/01/2008, 08-02)

The existing PSE plan shall be reviewed and revised, as needed. If a change in the occupation, major, field of study, postsecondary undergraduate degree or college is proposed, the procedures in rule 2453 shall be followed.

Conditions for Continuing Participation

2483 Conditions for Continuing Participation (04/01/2008, 08-02)

The participating parent shall agree to the following conditions:

- A. Employment by the participating parent shall be limited to 20 hours per week when school is in session, with consideration given to rule 2410. This limitation on hours of employment shall not apply during vacations, periods between terms or semesters, summer sessions, during periods for which the participant has been granted an exception or any other term in which the participating parent is not taking any courses.
- B. Participating parents who receive PSE financial assistance 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.
- C. The PSE financial assistance shall be accepted in lieu of Reach Up financial assistance, if the participating parent is eligible for Reach Up financial assistance.
- D. The PSE financial assistance shall be determined in the same way as Reach Up financial assistance and may be adjusted because of fluctuations in family income or other changes in the family circumstances during the course of the year.
- E. During the last year of the degree program, the participating parent shall seek employment using the services of the college's career placement office. If the college has no career placement office, the participating parent shall seek employment using the services of the Department of Labor's local career resource center.

Non-Participating Parents Unable-to-Work

2484 Non-Participating Parents Unable-to-Work (04/18/2001, 00-32)

If the non-participating parent is not employed full time, initial or continued compliance with rule 2425 is required.

Notice of Decision

2485 Notice of Decision (04/01/2008, 08-02)

Written notice of the annual review decision shall be provided to the participating parent within 30 days of the annual review meeting. The notice shall inform the participating parent whether she or he continues to be eligible for the PSE program and the amount of PSE financial assistance. If the participating parent is no longer eligible for the PSE program the notice will include the reasons for these decisions and information on appeal rights.

Approved Interruptions

2486 Approved Interruptions (04/01/2008, 08-02)

- A. A. A participating parent may request approval to take a leave of absence for no more than one semester from the PSE program for approved good cause as defined in rule 2454. Approval of leaves of absence shall be made by the participating parent's case manager with the approval of the commissioner. An initial leave of absence may be extended for one additional semester. In no case shall more than two separate or consecutive leaves of absences be approved for a participating parent.
- B. A participating parent wishing to return to the PSE program following an approved leave of absence shall be readmitted for the academic semester that immediately follows the end of the leave of absence upon meeting the applicable financial and non-financial continuing eligibility requirements.
- C. C. Time taken for approved leaves of absence shall not count against the applicable three or five-year time limits for completion of the participating parent's PSE degree, except for any month during the approved leave of absence for which the participating parent receives PSE financial assistance, a living expense stipend or support services payments. (rule 2491.B)

Unapproved Interruptions

2487 Unapproved Interruptions (04/18/2001, 00-32)

- A. Absences from the PSE program taken without approved good cause shall be counted against the applicable three or five year time limits for completion of the participating parents PSE degree.
- B. In no case shall a participating parent who has more than one absence from the PSE program without approved good cause be readmitted to the PSE program.

Financial Support During Interruptions

2488 Financial Support During Interruptions (04/01/2008, 08-02)

- A. Families in which the parent's participation in the PSE program is interrupted are not eligible to receive PSE program financial assistance, stipend, or support services.
- B. Families in which the parent's participation in the PSE program is interrupted may receive Reach Up financial assistance if they meet the eligibility requirements for that program.

Time Limits for Participation

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

- A. Participating parents in the PSE program shall have three years to complete a two-year postsecondary undergraduate degree and five years to complete a four-year postsecondary undergraduate degree. Three years shall consist of thirty-six cumulative months. Five years shall consist of sixty cumulative months.
- B. Each month in which the participating parent receives PSE financial assistance, a living expense stipend or support services payments shall be counted as part of the three-year or five-year time limit for PSE participation, whether or not the participating parent was taking one or more courses during that month. This shall include any month during an approved interruption pursuant to rule 2486 for which the participating parent receives a living expense stipend, PSE financial assistance, or support service payments.
- C. Each month of absence from the PSE program taken without approved good cause pursuant to rule 2487 shall be counted as part of the three-year or five-year time limit to complete the postsecondary undergraduate degree, whether or not the participating parent receives PSE financial assistance, a living expense stipend or support service payments during that month.
- D. Months prior to July 1, 2001, in which a student attended and received support for postsecondary education included in the student's Reach Up FDP and directed toward the attainment of an undergraduate degree, also shall be counted as part of the three-year or five-year time limit to complete a postsecondary undergraduate degree.

Termination from PSE

2491 Termination from PSE (04/01/2008, 08-02)

Participating parents shall receive notice of termination from the PSE program for the following reasons:

A. Annual Review

1. Failure to meet the financial or non-financial eligibility requirements of rule 2411 at the time of annual review pursuant to 2412.
2. Failure, without good cause, to cooperate with a scheduled annual review pursuant to rule 2480.
3. Failure, without good cause, to provide documentation for an annual review pursuant to rule 2481.
4. Failure to agree to the conditions of continuing participation pursuant to rule 2483.

B. On-Going Eligibility

1. Failure to Comply with Residency or Limitation on Employment Requirements

- a. a. If at any time the case manager becomes aware that the parent no longer meets the requirements for limitation on employment pursuant to rule 2411.C.4 or for Vermont residency pursuant to rule 2411.C.6, the case manager shall notify the participating parent that the parent has thirty days to cure the non-compliance.
- b. b. Within 30 days of the receipt of notice from the case manager, the participating parent shall provide documentation of compliance with the requirements of rule 2411 C.4 or rule 2411 C.6. If documentation of compliance is not provided within 30 days, the participating parent shall receive notice of termination.

A participating parent may receive extensions of 30 days at a time to comply with rule 2411 C.6 if:

- the reason for change of residency was for a verified good cause reason beyond the participating parents control, including but not limited to, loss of housing and inability to find housing in Vermont, the effects of domestic violence, or some other equally disruptive set of circumstances as determined by the case manager and approved by the case managers supervisor, and
 - the participating parent intends to return to Vermont as evidenced by ongoing efforts to find housing in Vermont
2. Failure to make progress toward a degree that cannot be cured by modifications to the schedule for program completion in 2406.5.
 3. Failure to maintain status as a member in good standing of the college.
 4. 4. Failure to cooperate with program requirements (examples include failure without good cause to meet with the case manager within a 60-day period or failure to follow through on modification of the PSE plan when required under rule 2453. Failure to comply with child support assignment and cooperation requirements shall result in the sanctions as applicable to Reach Up grants in the Reach Up program.
 5. Voluntary withdrawal from the PSE program or from college, unless the participating parent plans to attend a different college and the change in college has been approved pursuant to rule 2453.

Termination from PSE

6. De facto withdrawal from the program (an example is a participating parent stops attending classes for at least 60 days and fails to respond to the case managers efforts meet with him or her).
7. A determination that an affirmative initial or annual continuing financial eligibility decision was incorrect due to inaccurate or incomplete information regarding the households income.
8. Failure to maintain qualifying status as a Vermont resident parent who has physical custody of and resides with a dependent child. Termination of financial assistance shall occur immediately following proper notice. Termination of case management services will occur at the end of the semester during which the parent is determined to no longer qualify for the program.

Notice and Appeal Rights

2492 Notice and Appeal Rights (02/01/2009, 08-10)

- 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 2215 is applicable to continuing assistance, recoupment, and retroactive payments.