**10-144 DEPARTMENT OF HEALTH AND HUMAN SERVICE**

**OFFICE FOR FAMILY INDEPENDENCE**

**Chapter 330: HIGHER OPPORTUNITY FOR PATHWAYS TO EMPLOYMENT (HOPE) PROGRAM RULES**

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# **SECTION 1**: DEFINITIONS

**Advance Notice** means a written notice mailed at least twelve (12) days prior to the effective date of an action taken by the HOPE Program.

**Agent** means the entity under contract with the Department to provide Student Navigation services.

**Annual Limit** means the maximum amount of Support Service benefits that can be issued during the calendar year from January 1st to December 31st.

**Application** means a request for HOPE services — that includes the Applicant’s full name, mailing address, and manual or electronic signature — on a form required by the Department.

**Applicant** means an individual who has applied for HOPE, whether or not eligibility has been determined.

**Adequate Job Outlook** means identified by the Center for Workforce Research and Information within the Department of Labor as having an annual job opening rate of at least 10% or as providing opportunity for employment in high-wage, in-demand jobs in the State at the time of enrollment as published on the Maine Department of Labor’s website at that time (A link to this data can be found at: https://www.maine.gov/dhhs/ofi/programs-services/hope/do-i-qualify[[1]](#footnote-2).); or otherwise approved by the commissioner or the commissioner’s designee.

**Career Pathway** means a plan for a combination of training and education for career advancement of the individual that helps the individual enter or advance within a specific trade or occupation, and leads to a universally recognized and accepted degree or credential that provides an opportunity for employment in a job with an Adequate Job Outlook; or a verifiable Substantial Improvement in Earnings and Benefits.

**Center for Workforce Research and Information (CWRI)** means an agency of the Maine Department of Labor providing research and guidance regarding occupations and employment outlook in the State of Maine.

**Credential** means a degree, certificate, license, or industry-recognized (or universally recognized and accepted) formal qualification that leads to employment and has labor market value.

**Department** means the Maine Department of Health and Human Services – Office for Family Independence.

**Enrolled** means authorized by the Department to receive HOPE Program supports or authorized to continue to receive supports while on Emergency Leave.

**Financial Aid Award Letter** means a letter provided by the Educational Institution the Applicant or Participant has been accepted to or is matriculated in and details the financial aid package.

**Fraud, Investigation and Recovery Unit (FIRU)** means the unit within the Department of Health and Human Services responsible for investigating allegations of misuse, fraud, and over payments. The unit is responsible for seeking repayment when appropriate or referring the matter to the Attorney General’s office for prosecution.

**Good Cause** means an acceptable reason, or reasons, as determined by the Department of Health and Human Services, for the Applicant or Participant to not comply with a HOPE Program requisite.

**Half-time** means Matriculation that is at least half of what is considered a full-time course load as determined by the Training or Education Institution.

**High-Value Credential** means a document, or set of documents, showing completion of a skills-based training program, and outlines the competencies obtained by earning the credential, which address local workforce needs, fill employment pipelines, and provide pathways to growth-oriented jobs.

**Industry-Recognized Certificate** means a professional certificate that is recognized in the labor market, is portable across state borders, and is a valid assessment of students’ skills related to a particular industry or occupation.

**Intentional Program Violation (IPV)** means when an individual has purposely misused “cash or benefits” and/or misrepresented actual circumstances in order to receive benefits, and the individual would not have been eligible had the proper information been provided.

**Lifetime Limit** means the maximum amount of a benefit, service, or exception offered during the course of a Participant’s lifetime.

**Matriculation** means acceptance to and official registration as at least a half-time student with the Training or Education Institution. For a Participant who previously met the Matriculation requirement, and has completed that program, registration in a licensing exam or test preparation course related to requirements for their credential or participation in a final clinical, field placement, or externship will also be considered matriculation.

**Minor Child** means a child under the age of eighteen (18); or if aged eighteen (18), a full-time student in a high school or an equivalent instruction alternative leading to a high school diploma.

**Outstanding Tuition and Fees** means tuition and fees incurred and still owed to a Training or Educational Institution before acceptance in the HOPE Program.

**Parental Responsibility** means rights and privileges that an individual has with a child and involves assuming day-to-day care, decision-making and financial responsibilities for the child.

**Parents as Scholars (PaS)** means a program implemented by the Maine Department of Health and Human Services that helps low-income parents in associate or bachelor’s degree programs.

**Participant** means an individual who has been determined eligible for, and is enrolled in, HOPE.

**Part-time** means an employment status that is less than full time and has, at a minimum, an average of 15 hours worked weekly.

**Remedial Services** means a preparatory course, or program, that fulfills a requirement of the postsecondary Training or Education Institution as necessary to matriculate in the Training or Education Program.

**Short-Term Occupational Training Program** (also “Training Program”) means a postsecondary program that generally is completed in one year or less and provides specific training that leads to a high-value credential or industry-recognized certificate.

**Specified Relative** means a person related to the minor child within the fifth degree of kinship by blood, marriage, or adoption who lives with the child; a legal guardian or Indian Custodian who lives with the child.

**Stackable Credential** means part of a sequence of credentials earned along a specific Career Pathway that can be accumulated over time to increase an individual’s qualifications and help build the Career Pathway to more sustainable employment.

**Student** means an individual who is matriculated in and attending a Training or Education Program.

**Substantial Improvement in Earnings and Benefits** means either

1. a monthly increase in current or potential net income at least equal to the amount to trigger a change reporting as are most currently in effect as published by Food and Nutrition Services (FNS). (This figure can be found at https://www.maine.gov/dhhs/ofi/programs-services/hope/do-i-qualify[[2]](#footnote-3).) taking into consideration increases in total compensation and decreases in work related and family related expenses such as child care and transportation, or
2. an increase in current or potential net income that does not meet the threshold in A. that is accompanied by other quantifiable improvements to the individual’s or the individual’s minor children’s Social Determinants of Health as are most currently defined by the US Center for Disease Control and Prevention (CDC) and published on its website, of at least two percent. (A link to the list of Social Determinates of Health can be found at https://www.maine.gov/dhhs/ofi/programs-services/hope/do-i-qualify[[3]](#footnote-4).)

**Universally Recognized and Accepted** means acknowledged, accepted, and valued by the majority of employers within the individual's geographic region and trade of choice as aligning with skill needs of industries in the economy of the State or regional economy involved.

**Unmet Need** means a need demonstrated to be directly related to successful completion of the Training or Education Program in excess of available funding from all other federal, state, public, private, and institutional sources of aid, excluding loans or federal work study.

**Weekly Limit** means the maximum amount of a Support Service benefits that can be issued during a seven-day period from Sunday to Saturday.

**Working Age** means those aged 16 through 64.

# **SECTION 2**: PROGRAM INTRODUCTION

The Maine State Legislature enacted P.L. 2017, Ch. 387, codified at 22 M.R.S. §3790-A which authorized the Department to establish a student financial aid program based on need known as the Higher Opportunity for Pathways to Employment (HOPE) Program. HOPE will aid up to 800 low-income Parents and Specified Relatives of minor children who are qualified to receive federal Temporary Assistance for Needy Families (TANF), but do not receive TANF cash assistance. HOPE serves students matriculated in a postsecondary Training or Education Program, or a program providing remedial services necessary for the individual to matriculate in such a program, that results in a high-value, industry or trade recognized certificate or similar, universally recognized and accepted credential; or a postsecondary undergraduate degree. Participants in HOPE are provided with a package of student aid that includes all Support Services necessary for participation in the Training or Education Program.

**SECTION 3: ELIGIBILITY**

For an individual to be eligible for the HOPE Program, they must meet the eligibility requirements, or be granted Good Cause. Race, color, national origin, sex, gender orientation, religion, or disability are not eligibility factors. Participation in the HOPE Program is not limited to one individual per Family Unit. The eligibility requirements are described below.

1. **NON-FINANCIAL ELIGIBILITY**
2. **Parent/Specified Relative.** The Applicant or Participant must be a Parent, or Specified Relative, of a minor child. An individual will be considered a Parent, or Specified Relative, if they are living with the minor child and are a biological, adoptive, or step-parent of the minor child or are legally related and assuming parental responsibility of the child. When determining Parent/Specified Relative status the following conditions apply:
3. A pregnant person, or spouse of a pregnant person, applying at the sixth month of pregnancy or after, is considered a parent; or
4. A child who is temporarily absent from the home, for 45 days or longer, may qualify an individual as a Parent or Specified Relative only if the Parent/Specified Relative has full responsibility for the supervision and guidance of the child, maintains a home for the child during the absence, and any delegation of authority to another is temporary, voluntary and revocable. The child must return home unless the separation continues for a reason below, or another similar reason. Reasons for separation include:
5. The child needs to secure education when school facilities are not available in their area of residence, or when the existing facilities do not meet the child’s educational and/or social needs.
6. The child is residing in a private treatment center.
7. The child is attending a vocational or technical school, college, or university until the child’s 18th birthday.
8. The child has left the home to obtain necessary medical care.
9. The child has been placed in an approved voluntary foster home by the Office of Child and Family Services and the plan is for the child to return to the Family Unit and when there is no foster care payment being made for that child.

**EXCEPTION:** A foster child, for whom assistance payments are received, will not qualify an individual as a Parent or Specified Relative.

1. **Working** **Age.** Applicants orParticipants in HOPE must be of Working Age
2. **Maine Resident.** Applicants orParticipants must have established Maine as a permanent home.
3. **U.S. Citizenship and Alienage Status**. Each HOPE Applicant or Participant must be a U.S. Citizen, or a qualifying non-citizen as defined in Section 431 of the *Personal Responsibility and Work Opportunity Reconciliation Act* (PRWORA), as amended (codified at 8 U.S.C. §1641). Qualifying non-citizens must have one of the following alienage statuses:

a) Veteran or active duty personnel or a spouse or an unmarried child of a veteran or active duty personnel.

* 1. The Veteran or active duty personnel must be lawfully residing in the U.S. and a veteran of the U.S. Armed Forces with an honorable discharge or on active duty, having completed basic training, in the U.S. Armed Forces; or
	2. Lawfully residing in the U.S. and a spouse of someone meeting the requirements of (i), above, or an unmarried child of someone meeting the requirements of (i), above, who is, or could be, claimed as a dependent on that person’s tax return, and meets the definition of minor child.
1. Legal Permanent Resident (LPR) granted under the *Immigration and Naturalization Act* (INA), 8 U.S.C. §1101 *et seq*. A Legal Permanent Resident is not eligible for HOPE until five years after the date of obtaining the status. There is no five-year waiting period if any of the following conditions apply:
	1. The individual’s date of entry to the U.S. is prior to August 22, 1996.
	2. Prior to adjustment to legal resident status, regardless of the LPR status-granted date, the noncitizen’s status was a Refugee under 8 U.S.C. §1157, an Asylee under 8 U.S.C. §1158, a Deportee (deportation withheld) under 8 U.S.C. §12453, an Amerasian immigrant, or a Cuban/Haitian entrant.
2. Refugee granted under §207 of the INA.
3. Asylee granted under §208 of the INA.
4. Deportee status (deportation withheld) granted under §243(h) of the INA as in effect prior to April 1, 1997; or §241(b)(3) of the INA, as amended.
5. Parolee status granted for at least a year under §212(d)(5) of the INA. Parolee status is subject to the five-year waiting period beginning with the date the qualified alien obtained qualified status. There is no five-year waiting period if the individual’s date of entry to the U.S. is prior to August 22, 1996.
6. Conditional Entrant status granted under §203(a)(7) of the INA in effect before April 1, 1980. A Conditional Entrant is not eligible for HOPE until five years

after the date the individual obtained that status. There is no five-year waiting period if the individual’s date of entry to the U.S. is prior to August 22, 1996.

h) Battered noncitizens and their minor child(ren), who meet the conditions set forth in §431(c) of PRWORA as amended (codified 8 U.S.C. §1641(c)) and:

* 1. Subject to the five-year waiting period beginning with the date the qualified alien obtained qualified status unless the individual’s date of entry to the U.S. is prior to August 22, 1996, and;
	2. While lawfully residing in the U.S. the non-citizen or the minor child was battered or subjected to extreme cruelty by a spouse, a parent, or a member of the spouse’s or parent’s family residing in the same household as the non-citizen; and
	3. The batterer no longer lives in the household.

i) Trafficking victim (TV) certified under Section 107(b)(1) of the *TV Protection Act of 2000* (P.L. 106-386).

j) Amerasian admitted to the U.S. pursuant to Section 584 of the *Foreign Operations, Export Financing, and Related Programs Appropriations Ac*t, 1988 (P.L. 100-202).

k) Cuban or Haitian Entrant as defined in Section 501(e) of the *Refugee Education Assistance Act of 1980* (P.L. 96-422).

l) American Indian with at least one-half American Indian blood, born in Canada.

m) American Indian who is a member of a federally recognized Indian Tribe under 25 U.S.C. §450b(e).

n) Iraqi Special Immigrant with the same status as refugee, under 2009 Department of Defense bill P.L. 111-118, §8120(a).

o) Afghani Special Immigrant with the same status as refugee, under 2009 Department of Defense Bill P.L. 111-118, §8120(b).

1. **Social Security Number.** All Applicants must provide a Social Security Number (SSN) or proof of application for a SSN. All adult members of the Family Unit reporting income must also provide a SSN or proof of application for a SSN. The Applicant or Participant is not eligible when a required individual fails to apply for or furnish the SSN when received.
2. **Receipt of TANF or PaS Benefits.** Applicants or Participants who are currently receiving a TANF or PaS cash payment are not eligible for the HOPE Program. Receipt of Alternative Aid, Emergency Assistance, Transitional Child Care, or

Transitional Transportation does not automatically disqualify an Applicant or Participant from the HOPE Program.

1. **TANF Disqualification**. An Applicant or Participant who is currently disqualified from receiving TANF or PaS benefits due to the reasons below are not eligible for the HOPE Program.
2. Fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees (referred to as a “high misdemeanor” in New Jersey);
3. Convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under funds provided through the TANF Block Grant, Medicaid, the *Food Stamp Act of 1977*, or the Supplemental Security Income (SSI) program. These individuals are ineligible to receive TANF benefits for a period of ten years from the date of conviction;
4. Violating a condition of probation or parole imposed under Federal or state law.

**(8) Aptitude.** Applicants orParticipants must have the ability to complete their Training or Education Program and pursue employment in their identified career. Applicants will not be considered to have aptitude if they have failed a similar program three times in the past ten years or are unable to pursue employment in their identified career for reasons other than lacking training or education.

**(9)** **Marketable Bachelor’s Degree Status.** The Applicant or Participant must lack a bachelor’s degree marketable in Maine as determined by the Department. A bachelor’s degree is not marketable if the credential: was obtained in another country or jurisdiction and is not recognized by the professional licensing body as a marketable degree in Maine; prepared the individual for a specific occupation in which they have not worked for the last fifteen (15) years; or equipped the individual for a specific occupation that they are no longer able to perform.

**(10)** **Matriculation.** Participants must be accepted to, or matriculated at least half-time in, a Training or Education Program and institution that meets HOPE Program requirements as defined in this section.

**EXCEPTION:** Applicants matriculated less than half-time, as defined by their institution, may be approved by the Department on a case-by-case basis.

1. **Institution Requirements**

The Institution in which the Applicant or Participant is matriculated must meet a minimum of one of the following criteria:

1. Be accredited by a regional or national accrediting body recognized by the U.S. Department of Education as providing quality education per standards equivalent to those that are most currently in effect, used by, and published on the website of the New England Commission of Higher Education (NECHE), (A link to these standards can be found at https://www.maine.gov/dhhs/ofi/programs-services/hope/do-i-qualify[[4]](#footnote-5)); or
2. Offer degrees, licenses, industry-employer recognized certificates or credentials, or be recognized by trade or industry associations as preparing individuals to meet their professional licensing requirements; or
3. Be endorsed by a consortium of employers to address a skill gap.
4. **Training or Education Program Requirements**

The Training or Education Program in which the Applicant or Participant is matriculated must meet the following conditions:

1. The postsecondary Training or Education Institution and Program must be chosen by the Applicant or Participant; and
2. The most cost-effective Training or Education Program for the Applicant’s or Participant’s vocational pursuit must be selected.
	1. Cost of required supports for the Applicant or Participant to attend the selected Training or Education Program will be included in the determination of cost-effectiveness.
	2. Public vocational schools, Maine Adult Education, community colleges, or public university programs are recognized by the U.S. Department of Education to be the lowest cost alternative.
	3. Any education plan that includes an institution other than a public, nonprofit institution, in the state of Maine must be submitted to the Department for review and include evidence that demonstrates lower total costs to the Department and the individual.

d. Evidence of cost-effectiveness must be documented and may include—

* + - 1. scholarship/financial aid offers from an approved program;
			2. improved or increased access to required courses, clinical placements, internships, or necessary supports such as child care;
			3. employers in the individual’s geographic region regard the institution’s awarded credential at the same or higher level as those awarded by a local nonprofit institution;
			4. the number of credit hours that would need to be purchased at each institution taking into consideration those that have already been accumulated or can be transferred;
			5. the length of time it would take the individual to complete the program at each institution and subsequent adjustments to the costs of supports and income potential from the earlier to the later completion date.
1. Remedial, prerequisite, refresher, or English language courses are eligible programs when they fulfill a requirement of the approved postsecondary Training or Education Institution as necessary to matriculate in the approved postsecondary Training or Education Program. Liberal studies majors within associate degree programs are considered eligible remedial programs when tracking specific majors that require completion of prerequisite courses prior to full admission to the program.
2. The program must matriculate students, or result in matriculation for students, in instruction for a postsecondary undergraduate degree, industry-recognized certificate, or similar credential in a field, occupation, or Career Pathway that has an Adequate Job Outlook within the geographic region where the Applicant or Participant lives or plans to live;

**EXCEPTION:** Any Applicant or Participant who is pursuing training or education in Liberal Studies, General Studies, Career Studies, or University Studies majors that are not tracking a specific major, or in a program that does not have a well-defined Career Pathway, or leads to a universally recognized and accepted credential that is not considered to lead to a job with an Adequate Job Outlook , may petition the Department by letter to approve the program.

and

1. If an Applicant or Participant has earned a credential while participating in the HOPE Program and is seeking to earn another credential, the Applicant or Participant’s new program must lead to a credential that meets the requirements above and is a Stackable Credential with the previously earned credential.
2. In addition to the criteria detailed above, programs exclusively online must first be determined eligible, by the Department, on a case-by-case basis. A non-degree, short-term, occupation program that has one hundred percent (100%) online coursework, other than one offered by a public, non-profit Maine institution, must have a local Maine academic support professional who shall provide course oversight and academic advising services to the student.

**c) Satisfactory Progress.**

Applicants who have already started their Training or Education Program must be making satisfactory progress.

Participants must make satisfactory progress in accordance with standards established by the organization or institution providing the Training or Education Program unless there is Good Cause.

Satisfactory progress includes:

* + - 1. Classes are attended sufficiently, as dictated by the attendance policy of the institution’s instructor(s); and
			2. Progress in the program is satisfactory, based on the scoring or grading system devised by the institution’s instructor(s). If an Applicant or Participant is placed on Academic Probation a**s** determined by the Educational Institution for more than one academic term, the Applicant or Participant is not making satisfactory progress; and
			3. Matriculation is maintained at least half-time unless otherwise approved by the Department; and
			4. Completion of the Training or Education Program within the time allowed by the Training or Education Institution. An incomplete grade for any course must be finalized within the allotted time given by the Training or Education Institution; and
			5. Adherence to the student code of conduct so that there is no temporary exclusion or permanent dismissal from an instructor’s classroom, no interruption to matriculation status, and no loss of academic credit or grade imposed on the student by the instructor or the institution; and
			6. Maintenance of good financial standing with the Training or Education Institution and retaining the continued right to register and enroll in classes, having access to official transcripts, and receiving an official diploma or certificate.
1. **FINANCIAL ELIGIBILITY**
2. **Assets.** The Applicant or Participant must have countable assets equal to or below $10,000. Asset determinations are made pursuant to 22 M.R.S. §3790-A(2)(F) as described in 10-144 C.M.R. Ch. 331 Maine Public Assistance Manual (TANF — Temporary Assistance for Needy Families) Chapter III(A) pursuant to 22 M.R.S. §§ 3762 - 3769-G. For asset purposes, each Applicant or Participant will be considered a Family Unit of one.
3. **Income.** An Applicant or Participant is financially eligible for the HOPE Program when their Family Unit’s countable income is at or below 225% of the Federal Poverty Level as issued annually by the U.S. Department of Health and Human Services and found at <https://aspe.hhs.gov/poverty-guidelines>. Individuals unable to access the online document may request one by writing to—

HOPE Program

Maine DHHS, Office for Family Independence

11 State House Station

109 Capitol St.

Augusta, ME 04333-0011

1. **Family Unit**

The Family Unit must include the following individuals residing together:

Minor children of whom the Applicant or Participant is the Parent or Specified Relative; and

Minor children who are biological, adoptive, or step-siblings of the Applicant or Participant’s minor children; and

Biological, adoptive, and step-parents of the minor children; and

Individuals who are legally related to, and assuming parental responsibility of, the minor children; and

A sponsor of the Family Unit who has signed an I-864 Affidavit under Section 231A of the Immigration and Nationality Act (INA), as well as, the sponsor’s spouse, children under 21, dependents, and other aliens included in the I-864. Exceptions include: sponsors of immigrants or certain family members who are victims of domestic violence and indigent immigrants.

**EXCEPTION:** The Family Unit does not include foster children for whom the Family Unit is receiving foster care assistance payments.

1. **Income Types**
	1. Earned Income is money earned in exchange for labor or services. Gross earnings are the amount of money earned prior to deductions. Gross income

includes income in cash or in-kind such as wages, salaries, commissions or profit from self-employment. Earned income in the Family Unit is calculated on a monthly average. This average is based on earned income received by members of the Family Unit in the four weeks preceding the date the application was received by the Department.

* 1. Unearned Income is money that is not produced by labor or services. It includes benefits such as Social Security, Veterans benefits, pensions, unemployment compensation, Worker’s Compensation, dependent allotments, contributions, support payments, annuities, dividends, interest, and regular withdrawals from trust funds. Unearned income in the Family Unit is calculated on a monthly average. This average is based on unearned income received by members of the Family Unit in the four weeks preceding the date the application was received by the Department.
	2. Self-Employment income includes earnings by individuals engaged in their own business enterprise, such as independent contractors, franchise holders, owners/operators, farmers, people who produce a product for purchase, and individuals who receive returns on rental property. Individuals with self-employment as their primary source of income will have their income calculated on an annual basis and averaged monthly. The Department will use gross revenues less allowable costs of doing business per IRS rules in determining the monthly average.
	3. Contract Income includes money earned in exchange for labor or services in a pre-determined period and not paid on an hourly or piecework basis to workers.

Contract income is averaged over a 12‑month period when the contract income is the primary source of income for the Family Unit. If the contract income is not the primary source of income for the Family Unit, it is averaged over the period the contract was intended.

* 1. Seasonal Income includes money earned in exchange for labor or services not required year-round such as fishing, clamming, worm digging, logging, and harvesting. Seasonal income that is derived from employment is averaged and counted in the month it is received during the time in which the employee is actively working. Seasonal income that is derived from self-employment is averaged over a 12-month period when it is the primary source of income for the Family Unit. If the seasonal income is not the primary source of income, it is averaged over the period in which the individual is engaged in the activities that generate the income.
	2. Anticipated Income is expected income that results from a change in income or a new income source where the amount is unknown or not readily

verifiable. The Department will estimate the anticipated income. The Department will use all sources necessary to determine the best estimate of income for the source. The estimate will be calculated on a monthly average.

**c) Excluded Income**

Excluded income is not considered in determining eligibility or the types and amounts of support service payments.

* + 1. Child Support and alimony payments paid to, or from, the Family Unit;
		2. Foster care and adoption assistance payments;
		3. General Assistance, Emergency Assistance, Housing and Urban Development (HUD), utility reimbursements and other supplemental assistance from public or private agencies to help the Family Unit meet their basic needs;
		4. State Tax Refunds, including all tax credits, such as the Earned Income Tax Credit, are excluded for the twelve (12) months following receipt of the State Tax Refund;
		5. Income of minor children under the age of 18 included in the Family Unit;
		6. Non-recurring lump-sum income;
		7. Reimbursements for job related expenses to the extent they do not exceed actual expenses;
		8. All educational grants, scholarships, and other awards from a recognized source to either graduates or undergraduates;
		9. Monies received as a match on deposits an Applicant or Participant makes in their Family Development Account or Separate Identifiable Account set up as authorized by statute at 22 MRSA §3762, up to the $10,000 cap. Accrued interest on these accounts is also excluded as income;
		10. A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of the Baxter school for the Deaf, who were found to have been physically or sexually abused before January 2001.
		11. Income Excluded by Federal Statute includes but is not limited to:
1. Grants, loans and scholarships to undergraduate students made under any program administered by the U.S. Secretary of Education, such as a Federal Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), Federal Perkins Loan, Federal Stafford Loan, or Federal Supplemental Loan for Independent Students, or Work Study;

b. Federal Tax Refunds, including refundable credits, such as Earned Income Tax Credit (EITC), are excluded for 12 months from the month of receipt. P.L. 111-312;

c. Child Nutrition Act and National School Lunch Act - Value of supplemental food assistance;

1. Title VII, Nutrition Program for the Elderly-Older American Act benefits;
2. United States Department of Agriculture (USDA) Supplemental Nutrition (Women, Infants and Children (WIC)) Program and/or Donated Commodities benefits;
3. Supplemental Nutrition Assistance Program (SNAP) benefits;
4. Tax-exempt portions of payments made under the Alaskan Native Claims Settlement Act;
5. Payments made under Annual Contributions Contract under U.S. Housing Act;
6. Relocation assistance or allowance under the Housing Act and payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy;
7. Workforce Innovation and Opportunity Act (WIOA), Job Corps, or AmeriCorps payments of all types;
8. Payments resulting from Congressional action which specifically exclude such payment;
9. Maine Indian Land Claims Settlement payments;
10. Domestic Volunteer Services Act payments made to volunteers serving as foster grandparents, senior health aides or companions;
11. Housing and Urban Development (HUD) community development block grant funds and escrow accounts in the Family Self Sufficiency Program;
12. Home Energy Assistance Program (HEAP) benefits or any other federal program providing energy assistance;
13. Title I payments to volunteers such as AmeriCorps Volunteers In Service To America (VISTA). Payments that exceed the minimum wage are not excluded;
14. Nazi Persecution Victims Eligibility Benefits - Payments made to victims of Nazi persecution under P.L. 103-286.

# SECTION 4: SERVICES

The type, amount, and frequency of services are individualized based on the unmet needs of the Participants.

## Navigation Services

Navigation services are offered to all Participants at no cost to the Participant and provided on a voluntary basis through a contracted Agent selected and secured by the Department. Navigation services are based on individual need and requested assistance to promote persistence and completion. While the Agent is providing Student Navigation as a support to assist Participants in advancing in their Training or Education pursuits, their service does not replace Department and Participant responsibility.

* 1. **Student Navigation Contracted Agent**

The Agent will provide campus-based Navigation services to Participants. The Department’s Agent will have access to Participant information necessary to contact and support Participants throughout their enrollment in HOPE. The Department’s Agent will be bound by the same confidentiality standards as the Department. Agents of the Department providing Navigation services are responsible only for providing those services as outlined in the contract between the Agent and the Department. The Department’s Agent is not responsible for—

* + - 1. Determining Applicant or Participant eligibility; and

b) Maintaining Participants’ eligibility; and

c) Requesting and approving Support Services; and

d) Participant’s use and receipt of Support Services; and

e) Submitting documentation and verifications to the Department as required of the Participant; and

f) Sending or communicating official Department notifications; and

g) Determining Good Cause; and

h) Meeting Participants at locations other than campus-based locations or other than those described in the contract.

## Financial Supports

The following financial supports will be available to the Participant based on unmet need when the supports are necessary to maintain uninterrupted participation in the approved program. When excluded income sources are actually used by process, choice, or law, to pay for an otherwise reimbursable expense, the portion of the expense paid with excluded income is then considered to be met and is not subject to reimbursement.

* + 1. **Tuition and Fees**

The Department will pay outstanding and current tuition and mandatory fees.

* 1. **Outstanding tuition and fees.** There is a HOPE Program lifetime limit of one thousand five hundred dollars ($1,500) per Participant for outstanding tuition and fees when it is required to access previously earned credits. Outstanding tuition and fees does not apply to student loan balances and payments, or prior payments made to payment plans entered into before HOPE enrollment.

**b) Current Tuition and Fees.** There is a HOPE Program annual limit of six thousand dollars ($6,000) per Participant for current tuition and mandatory fees.

Participants in the HOPE Program must remain in good financial standing with the institution providing the Training or Education Program.

* 1. **Child Care**

The HOPE Program will pay for suitable child care at a rate equal to or less than the child care Market Rate cap, as set by the Department’s Office of Child and Family Services, when the service is necessary for the Participant to engage in Training or Education activities or a combination of Training or Education and employment activities. Required child care hours will include three (3) hours for study for each hour of instruction per week. These study hours do not have to be scheduled or supervised study hours; as long as the Participant is satisfactorily participating in the Training or Education activity, the study hours are automatically allowed. On a case-by-case basis, child care payment for children with special needs can exceed the child care Market Rate cap, as determined by the Department. The Department will authorize child care payments when:

1. The Participant selects the child care provider; and
2. The child care provider is licensed, or, an unlicensed provider approved by the Department; and
3. The minor child(ren) is/are part of the Family Unit; and
4. The minor child(ren) is/are under the age of thirteen (13) and requires care, or over the age of thirteen (13) and physically or mentally incapable of caring for themselves as certified by a medical or mental health source, or is under court supervision; and
5. No other adult member in the Family Unit is available to take care of the child(ren) and the Participant is prevented from providing care and supervision of the child(ren) due to taking part in Training or Education activities or a combination of Training or Education and employment activities; and

**EXCEPTION:** Participants who complete their programs of studies will continue to receive ongoing child care supports through the end of the calendar month of program completion.

1. The child care provider is not part of the Participant’s Family Unit; and
2. The authorization for payment does not exceed fifty (50) hours per week.

h)During an academic vacation period longer than a calendar month, a Participant must be:

1. Matriculated for the next academic period following the vacation period and working at least part-time over the vacation period; or
2. Matriculated and currently taking classes at least half-time over the vacation period.
3. **Transportation**

There is a HOPE Program weekly limit of one hundred forty dollars ($140) for transportation necessary for Participants to engage in Training or Education activities or a combination of Training or Education and employment activities. This transportation includes travel to and from child care. Mileage will be paid at a rate of $0.45 per mile ($0.46 effective October 1, 2022) for the most direct route up to the weekly limit. Participants using their own vehicles must have a valid Maine driver’s license, an active vehicle registration, and valid, minimum of current liability insurance. Transportation supports will be provided for:

1. The least expensive mode of transportation available to the Participant within their geographic area; or
2. The cost of public transportation; or
3. The cost of contracted route drivers or agencies if the Department determines this to be the least expensive option to meet the Participant’s transportation needs; or
4. Participants using carpool drivers who have a valid driver’s license and are using a vehicle that is properly registered. Carpool drivers will be reimbursed according to the guidelines in (a) above, plus two dollars ($2) per day per HOPE student transported (excluding the driver).
5. **Books, Supplies, Tools, or Equipment**

There is a HOPE Program annual limit of two thousand dollars ($2,000) per Participant for required books, supplies, tools, equipment, uniforms or similar Training or Education-related items. A Participant will be eligible for such support provided—

1. The requested item(s) is/are mandatory for all students and required for the successful participation in their program; and
2. The Participant provides an estimate for the required item(s) and a copy of the current financial aid award letter.
3. **Technology and Software**

There is a HOPE Program lifetime limit of five hundred dollars ($500) per Participant for the repair, upgrade to, or purchase of a computer or software necessary for completion of the Participant’s Training or Education Program when it is demonstrated that there is no availability of sustained access to technology or software for use at the participant’s home. Purchase of a computer can occur when evidence is provided that no computer owned or available to the Participant at their home is adequate to meet the requirements set forth by their program of study or can be repaired or upgraded to do so. Upon purchase, the item becomes property of the Participant and the responsibility to replace or repair the item- if stolen, damaged, or lost- is the Participant’s. The Department will authorize payments for technology and software when—

1. The Participant does not have reasonable home access to a computer or software adequate to meet their academic needs; and
2. The Training or Education Program requires the computer or software for the successful participation in their program.
3. **Internet Access**

There is a HOPE Program monthly limit of fifty dollars ($50) per Participant for access to the Internet when:

* + - 1. It is necessary for the Participant to engage in their Training or Education Program, and
			2. The Participant cannot access other available, cost-effective Internet resources.
1. **Vehicle Inspections, Registrations, and Repairs**

There is a HOPE Program annual limit of one thousand dollars ($1,000) per Participant for the inspection, registration and repair of a vehicle. These supports will be issued for the vehicle used by the Participant, or their spouse, while engaged in approved Training or Education activities. The Department will authorize payments necessary for the safe and legal operation of the vehicle under the following conditions:

1. The vehicle operator has a valid Maine driver’s license; and
2. The vehicle is registered to the Participant; and
3. The vehicle has a minimum of current liability insurance.
4. **Vehicle Insurance**

There is a HOPE Program annual limit of six hundred dollars ($600) per Participant for the cost of the minimum liability insurance required by Maine law on the vehicle used by the Participant, or their spouse, while engaged in approved Training or Education activities. The vehicle operator must have a valid Maine driver’s license and current vehicle registration.

In instances where drivers other than the Participant or their spouse are listed on the insurance declaration page, HOPE will only pay that portion of the liability premium which is attributable to the Participant and their spouse.

1. **Corrective Eyewear**

There is a HOPE Program annual limit of two-hundred dollars ($200) per Participant for the purchase of corrective eyewear when—

1. It is necessary for the Participant to engage in their Training or Education Program; and
2. The Participant requests prior approval from the Department with an estimate for the cost of the eyewear from the eyewear vendor; and
3. Other insurance available to the Participant is used first; and
4. The cost of the eyewear is of the least expensive, quality option to correct the deficiency.
5. **Dental Care**

There is a HOPE Program lifetime limit of two thousand dollars ($2,000) per Participant for dental care when—

1. It is necessary for the Participant to engage in their Training or Education Program; and
2. The Participant requests prior approval from the Department with an estimate from the dental provider verifying the cost and the need for the service prior to the work being performed; and
3. The dental care is the least-expensive, quality service available to the Participant to correct the condition; and
4. Other insurance available to the Participant is utilized first.

Cosmetic dental work such as veneers and whitening services are not covered.

1. **Other Supports**

There is a HOPE Program annual limit of five hundred dollars ($500) per Participant for other Support Services not previously described in this section that are directly related to Training or Education activities and are required to allow the Participant to continue their education without interruption. Eligible support services include—

1. Professional licensing and credentialing fees not included in Tuition and Fees; or
2. Requirements by the institution to matriculate; or
3. Requirements by the institution to maintain matriculation and/or complete the Training or Education Program; or
4. Unmet needs that present an immediate risk to maintaining matriculation or satisfactory progress.

HOPE will not cover services when—

1. The cost for the service can be paid from another source; or
2. The request is used to supplement any other HOPE support category; or
3. The expense is related to the ordinary and necessary daily cost of living, such as: utilities, rent, mortgage, and food.

**SECTION 5: LIMITATIONS**

The HOPE Program is available to a limited number of Participants (including Participants on Emergency Leave) at any given time. As of July 1, 2021, that limit is 800. If the Commissioner reasonably anticipates that available funds will not support continued operation of the HOPE Program, the Commissioner shall limit or suspend enrollment or Support Services to the extent necessary to avoid negative effects to services provided under TANF and ASPIRE/TANF.

**SECTION 6: TERMINATION, REDUCTION OF SERVICES AND EMERGENCY LEAVE**

1. **Reduction of Services**

Participant’s Support Service benefits will end or be reduced when the Participant is no longer eligible for the Support Service, there is not unmet need, or the Support Service is not necessary to maintain uninterrupted participation in the approved program. The Department will not end or reduce a Participant’s Support Services without advance notice. Participants issued a written notice of termination will have no new Support Services authorized past the date on the notice. If eligibility is reinstated within the timeframe allowed, Support Service benefits may be restored back to the date eligibility ended. Participants on Emergency Leave are ineligible to receive Support Services from the HOPE Program without Department approval.

1. **Termination**
	* + 1. The Participant will be terminated from the HOPE Program if any of the following occur without Good Cause:

a) Withdraws voluntarily in writing; or

b) Falsifies or misrepresents HOPE Program eligibility subject to Section 3; or

c) Fails to provide required eligibility documentation requested by the Department; or

d) Misuses program funds; or

e) Is determined no longer eligible as defined in Section 3.

Participants will not be terminated without advance notice. Participant’s enrollment will be held until the last day of the month following the end of the advance notice period. If the Participant submits documentation reinstating eligibility prior to termination, the termination process will end and Support Services will be restored. In the case of voluntary withdrawal, termination takes effect immediately when the Department receives the written notice of voluntary withdrawal. Verbal requests for voluntary withdrawal will follow advance notice guidelines. An individual who has been terminated from HOPE will need to successfully complete the application process to reenroll.

* + - 1. Proof that Good Cause exists must be submitted to the Department. This proof may include documents from an approved medical or mental health professional, verification by court, law enforcement records, or statement from a Navigator or other social service provider.

**C. Emergency Leave**

Emergency Leave will allow Participants to temporarily suspend compliance with HOPE Program satisfactory progress eligibility requirements for up to 26 consecutive weeks without losing their program position. There is a HOPE Program lifetime limit of one (1) Emergency Leave period per Participant, regardless of duration.

**EXCEPTION:** Participants with a permanent disability that interferes with regular participation and causes them to require more than one Emergency Leave to successfully complete their Training or Education Program may request that the Department waive the lifetime limit of one Emergency Leave period per Participant. The Department will issue a written decision on the Participant’s waiver request. If the decision denies the request, the Participant may appeal the decision as provided in Section 7. “Disability” is defined as a physical or mental impairment that substantially limits one or more major life activities (such as walking, talking, seeing, hearing, or learning), a person who has a history or record of such impairment (such as cancer which is in remission), or a person who is perceived by others as having a physical or mental impairment that is not transitory and is not a minor impairment.

1. Participants are eligible for Emergency Leave for the following reasons:

a) The Participant is granted a period of leave by their institution; or

b) Incapacity of the program Participant or their child who resides in their home and requires the Participant’s care, that requires prolonged absence from the Training or Education Program; or

c) Incident or effect of domestic violence; or

d) Employer mandated temporary change in employment that affects attendance in the Training or Education Program; or

e) An emergency that is beyond the control of the Participant that temporarily prevents participation in the Training or Education Program.

1. Proof of Emergency Leave may include: an official notice of leave granted by the Training or Education Institution, a written statement from a law enforcement official or a social service agency, a police report, court order, news report, a medical statement from the Participant’s or child’s medical provider, or an employer statement indicating temporary increase in hours or change of work schedule or any other documentation that the Department determines to reasonably support the Participant’s claim of an emergency.

# SECTION 7: POLICIES AND PROCEDURES

## Confidentiality

The Department of Health and Human Services must, by Federal and State rules, provide for the basic rights and dignity of all applicants or recipients of financial services regarding their confidentiality. The Department must ensure that information about the recipient is maintained in a confidential manner and only released under certain circumstances. All employees of the Department must adhere to this policy.

The Address Confidentiality Program, administered by the Secretary of State, provides address confidentiality for victims of domestic violence, stalking, or sexual assault and requires state and local agencies and the courts to accept a designated address as the program Participant’s address when creating a public record. When an Applicant or Participant verifies that they are a certified participant in the Address Confidentiality Program, the designated address is the only address accepted and provided when staff is required to release information

Information requested from outside the Department shall be released by permission, subpoena, or for program administration limited to programs, which establish eligibility and provide services through agencies subject to comparable standards of confidentiality. Information may be released, or obtained, inside the Department when it is directly related to the administration of the HOPE Program and/or when information reported to the HOPE Program does not match information previously documented and currently being used to determine eligibility for another program administered by the Department.

## Application Process and Decisions

1. **Application Process**

a) An application must contain the Applicant’s full name, mailing address, and manual or electronic signature. The application date is the date the paper or electronic document is received by the Department.

b) Missing documentation and verification will be requested in writing. Applicants will have twelve (12) days from the date of the letter to provide requested information to the Department. Failure to provide requested verifications within this timeframe will result in denial of the application. Applicants denied enrollment in the HOPE program for failure to provide verifications will have the decision reconsidered without a new application if the verifications are provided prior to the last day of the month following the month of denial.

c) Appeals of Department denials of applications must be filed within thirty (30) days of the date of the Department’s written decision.

d) Completed applications must be received by the Department within six (6) months of the intended start date of the remedial, Training, or Education Program, or at any time during matriculation.

e) After receipt of an Application, the Department will request additional documentation from the Applicant in order to make a determination that the Training or Education Institution or Program is approved, when the Institution or Program is— an online program, a program without an Adequate Job Outlook, at an institution located outside of Maine, or at a for-profit entity.

f) Applicants who possess a bachelor’s degree must include, with their application, a written letter petitioning the Department for a determination that the degree is not marketable in Maine, or with their current circumstances. An application lacking this petition will be denied.

g) When the HOPE Program is at maximum enrollment, new applications received will be denied. Applicants denied due to maximum enrollment must indicate their desire to be put on waitlist. The decision will be reconsidered without a new application if a program position is available prior to the last day of the month following the month of denial and the applicant requested to be added to the waitlist.

A waitlist for Applicants deemed otherwise eligible for the Program will be maintained by the Department and will follow these guidelines:

i. The waitlist will not exceed ten percent (10%) of maximum HOPE Program enrollment; and

ii. Applications will be processed first, from the waitlist, based on the date the application document is received. In the event that two (2) or more applications are received on the same day, Applicants with the shortest pathway to completion of their Training or Education Program will be processed first.

iii. An Applicant will remain on the waitlist until the last day of the month following the month of denial

h) Program enrollment begins with the first calendar day of the month eligibility is approved by the Department.

1. **Application Decisions**

The Department will issue a written decision within thirty (30) days of receiving a completed application. If the decision is to deny the application, the notice of decision will state the reasons for the denial and notify the individual of their right to appeal the decision. Appeals will be processed pursuant to subsection (H) of this section.

## Maintaining Enrollment

**(1) Enrollment Period**

Program enrollment will continue through the last day of the last month during which the Participant is matriculated in their Training or Education Program provided the Participant remains eligible or does not voluntarily withdraw. Individuals graduating from a Training or Education Program will be eligible for HOPE through the last day of the month of graduation. For Participants matriculated in an associate or bachelor’s degree program, HOPE Program enrollment will continue if there is a summer break in classes, provided Participants are eligible and are registered for classes for the fall semester. The Enrollment Period may be extended for one month at a time if there is a finding of Good Cause per (3) below.

1. **Change Reporting**

Changes in any eligibility factor expected to last thirty (30) days or more, or HOPE funded services expected to last fourteen (14) days or more, must be reported to the Department within ten (10) days of the Participant being aware of the change. Verification requirements for changes will be the same as verification requirements during the application process.

**EXCEPTION:** Participants must notify the Department within five (5) days of the date that it becomes known that there is a Temporary Absence from Home, where a child in the Family Unit will be absent from the home for 45 days or longer.

**NOTE:** The Department will request verifications and render decisions on reported changes consistent with the Application Process in Section 7(B)(2) for eligibility changes, or the Services process in Section 7(D) for changes in services.

1. **Good Cause**

A finding of Good Cause allows the Applicant or Participant to temporarily suspend compliance with HOPE rules and policies for an expected period of no more than one calendar month. An Applicant or Participant’s right to claim Good Cause will not be limited. Good Cause is the following:

1. Illness of the Applicant or Participant or the Applicant or Participant’s child who resides in the Applicant or Participant’s home and requires the Applicant or Participant to provide their care; or
2. Court-required appearance or incarceration; or
3. Incident or effect of domestic violence; or
4. A crisis, special circumstance, or other reason beyond the individual’s control that causes an Applicant or Participant to suspend compliance with HOPE rules and policies.

e) For the purpose of extending the HOPE Enrollment Period, a credential requirement not being offered within the previously defined Enrollment Period would also constitute Good Cause. (E.g. a Participant graduates May 10th, but an exam necessary to acquire the related credential is not offered until mid-June.)

**NOTE:** Applicants or Participants may request a Good Cause determination at the time they report a circumstance or within ten (10) days of receiving adverse notice. Verifications will be requested, and decisions rendered by the Department, consistent with the application process in Section 7(B).

## Services

The Department pays the least expensive Support Service that is accessible for the Participant and is of acceptable quality as determined by the Department. The amount for Support Service benefits will be limited. Specific caps for Support Services are included in their descriptions in Section 4(B). Unused portions of Supports with an annual limit do not carry over to the next calendar year.

**(1) Eligibility for Support Services**

Support Services are paid subject to HOPE Program enrollment. Students must remain actively engaged in approved education activities for Support Service benefits to be issued.

**(2) Process for Requesting Support Services**

Requests for Support Services must be made directly to the Department through telephone, fax, email or mailed communication. A request may originate from a Participant, or from a Navigator on behalf of a Participant.

Authorization to pay or reimburse an expense must be obtained from the Department prior to the Participant incurring the expense.

Missing documentation and verification will be requested in writing. Participants will have 12 days from the date of the request to provide such documents or verification to the Department. Failure to provide requested verifications within this timeframe will result in denial of the Support Service.

**(3) Authorization of Support Services**

Support Services may be authorized, but not necessarily issued, for a twelve (12) -month period. The HOPE Program will not reimburse a Participant for an expense paid by another funding source, and the Participant must disclose all sources of aid.

Authorization of HOPE Program Support Services will follow these guidelines:

1. All actual expenses must be verified. Participants are required to provide receipts to the Department within ten (10) days of funds being issued. If receipts are not provided for issued payments within the timeframe allowed, or the amounts on the receipts are less than the Support Service benefit, or the purchase does not match what was authorized, an overpayment will be processed per Subsection (F) of this section.
2. The Department will issue payment or reimbursement for supports directly to a provider. When payments cannot be made directly to a provider, the Department will finalize payment to a Participant via EBT or check.
3. Participants seeking reimbursement for actual expenses paid for supports have the responsibility of requesting reimbursement within thirty (30) days of purchase to be considered an unmet need.

## Verifications

Verification related to income, assets, Training or Education, and HOPE funded services is required by HOPE. Applicants and Participants have the primary responsibility of providing verifications. Applicants, receiving assistance under other DHHS-OFI Programs, requesting information on file be used for a HOPE Program determination may be asked to provide updated verification needed prior to the eligibility determination. Documents may be photocopied or sent electronically.

Missing documentation and verification will be requested in writing of the Applicant or Participant. Applicants and Participants will have twelve (12) days from the date of the request to provide such documents or verification to the Department. Failure to provide requested verifications within this timeframe will result in denial of the application or payment of support, and/or removal from the program. HOPE requires the following verifications:

1. **Non-financial Eligibility**
2. Pregnant Person: Pregnancy must be verified by a medical statement that includes the expected date of birth.
3. Working Age: Proof of age may include a valid driver’s license, a State identification card, or an official document showing birth date.
4. Maine Resident: Proof of Maine residency may include a valid State of Maine driver’s license or identification card, a current residential lease agreement or mortgage document, a W-2 document not more than 18 months old, or a current utility bill in the Applicant or Participant’s name.
5. U.S. Citizen: If not already verified by the Systemic Alien Verification for Entitlements (SAVES) Program, proof of a qualifying alien status may include a United States Immigration and Customs Enforcement (USCIS) document verifying identity, alien number, and status.
6. Social Security Number: All adult members of the Family Unit reporting income must provide a SSN or proof of application for a SSN.
7. Aptitude: Proof of aptitude is acceptance to the Training or Education Program except for those matriculated in for-profit institutions or lacking aptitude for reasons other than lacking training or education.

i. For those attending programs at for-profit institutions, proof of aptitude includes:

a. Current grades earned in the Training or Education Program; or

b. Prior certifications or previous postsecondary course work completed within the past 24 months; or

c. Verification of standardized adult student assessment scores within the past 24 months as recognized by Maine Department of Education; or

d. Letters of recommendation from Training or Education Institutions or employers written within the past twelve months; or

e. Verification of access to appropriate accommodations for disclosed physical or cognitive disability; or

ii. In situations where the Department is notified that even with training or education the individual would not meet the standards required by the professional licensing or regulatory board for the individual’s chosen industry, proof of aptitude includes an employer’s statement or documentation from a professional licensing entity that a waiver has been granted or showing training or education is the only barrier to employability within the desired industry that cannot be overcome with reasonable accommodations.

1. Lack of a marketable Bachelor’s Degree: Proof that no currently held bachelor’s degree is marketable may include:

i. copies of Maine licensing requirements for qualified individuals in the specified professional area as outlined by the Maine Office of Professional and Occupational Regulation,

ii. an employer statement,

iii. determination from worker’s compensation board, or

iv. medical records supplied by a licensed medical or behavioral health provider.

1. Training or Education Institution
2. Eligible Institution: Proof of acceptable institutions may include a statement from the Navigator, proof of accreditation from a regional or national accrediting body recognized by the U.S. Department of Education as providing quality education per standards equivalent to those most currently in effect, used by, and published on the website of the New England Commission of Higher Education (NECHE), (A link to these standards can be found at https://www.maine.gov/dhhs/ofi/programs-services/hope/do-i-qualify[[5]](#footnote-6).) , a state licensing board, or an industry trade association’s website.
3. Matriculated Status: Proof of acceptance and matriculation may include an acceptance letter with intended start date, a conditional acceptance letter, proof of registration, unofficial transcript with declared major and anticipated date of graduation, attendance record, or grades from the Training or Education Program.
4. Training or Education Program
5. Cost-Effective: Proof that demonstrates lower total costs to the Department and the Applicant or Participant includes, but is not limited to: scholarship/financial aid awards from the institution; unofficial transcript showing successful completion of previous postsecondary coursework; school documents that show improved access to required courses, clinical placements, or internships; and/or documents that demonstrate improved access to, accommodations for a verified physical or cognitive disability, or necessary supports.
6. Need for, and Participation in, Remedial Coursework: Proof of required remedial coursework includes, but is not limited to, letters as provided by the institutions outlining the mandated remedial services as a condition of matriculation in a particular program of study and remedial course descriptions, and/or attendance records from remedial course providers.
7. Acceptability of Baccalaureate Program: Proof of an acceptable program includes school documents identifying the Applicant or Participant’s declared major.
8. Acceptability of programs that lead to a universally recognized and accepted credential that is not considered to lead to a job with an Adequate Job Outlook: Proof of an acceptable program includes, but is not limited to, an employer’s statement showing wages, demand and employability within the desired industry; a bona fide job offer contingent upon securing the credential; or documentation from a workforce development entity indicating a labor market shortage in the specified industry.
9. Acceptability of a Career Pathway:

a. Proof that the combination of training and education aligns with the skill needs of employers within the individual's geographic region and trade of choice including, but not limited to:

1. CWRI or O\*NET data showing that these skills are needed by employers; or

2. A statement from an employer within the individual’s geographic region and trade of choice that these skills or credentials align with the needs within the region and trade and would lead to increased employability or wages; or

3. A statement from an approved Training or Education Institution or employer within the individual’s geographic region and trade of choice detailing how the combination of these skills or credentials lead to a final outcome acceptable under (1) or (2) above.

and

b. Proof that the intended career would result in a Substantial Improvement in Earnings and Benefits including but not limited to:

1. CWRI adjusted median wage information,

2. Paystubs from a current employer and a statement from a current or potential employer showing the new credential will result in a substantial increase in total compensation,

3. Statements from child care or other providers showing a substantial decrease in work related or family related expenses,

4. Verification of decreased mileage for commutes to work and other work related or family related services related to the credential, or

5. Government data showing substantial improvement to the Social Determinants of Health for the individual or their minor child(ren).

1. Acceptability of programs exclusively online: Proof of an acceptable program includes, proof of the educational institution providing a local Maine contact support person and one or more of the following:

a. An employer’s statement; or

b. an unofficial transcript showing successful completion of previous postsecondary coursework; or

c. documentation demonstrating prior experience in the field of study; or

d. medical records supplied by a licensed medical or behavior health provider verifying a medical condition of the individual or their minor child that would prohibit them from attending in-person classes; or

e. school documents that show improved access to required courses; or

f. documents that demonstrate improved access to accommodations for a verified physical or cognitive disability or necessary supports.

1. Satisfactory Progress: Proof of satisfactory progress may include unofficial transcript, proof of registration, or attendance record or grades from the Training or Education Program.
2. **Financial Eligibility**

Applicants and Participants have the responsibility of providing verification of income and assets. Some examples of acceptable verifications for income include, but are not limited to, pay stubs, signed statement from an employer, award letters, worker’s compensation records, General Assistance records, Beneficiary and Earnings Data Exchange (BENDEX), State Data Exchange (SDX), or support and alimony payments evidenced by court order, divorce or separation papers, check copies, income tax records, or self-employment records.

1. **Support Services**
2. Tuition and Fees: Proof of unmet need for outstanding tuition and fees that prevent a Participant from matriculating, re-matriculating, or transferring credits must be supplied to the Department. This proof may include a school invoice that includes a statement of locked credits. Participants requesting support for tuition and fees must provide a current invoice and financial aid award letter from the Training or Education Institution. If either the outstanding tuition balance or the current tuition owed exceeds the HOPE limits, the Participant must verify their ability to pay the remaining unpaid balance before the Department will release funds.
3. Child Care: A completed DHHS child care packet must be supplied to the Department. The requested provider must pass a background check if unlicensed. If BMV records show the need, the provider will sign a form acknowledging they will not drive with children.
4. Transportation: Proof of the need for transportation supports must be supplied to the Department. This proof may include a copy of the Participant’s course schedule, receipts for travel expenses, and mileage calculations.

d) Books, Supplies, Tools, Equipment, home access to Technology or Software, and cost-effective Internet Access: Proof of the need for required items must be supplied to the Department. This proof may include a copy of the training or class schedule, a course description, a copy of the course syllabus, or a letter from the instructor or institution stating the item(s) is/are required of all students and is/are not supplied or available through the institution. Proof of unmet need for the item(s) includes—

1. Proof that the Participant has no financial aid to cover this expense such as a financial aid award letter or evidence of no financial aid; and
2. An itemized copy of one or more of the following:
3. an estimate,
4. receipts showing proof of purchase, or
5. receipts showing payment of a bill.
6. Vehicle Inspection, Registration, and Repairs: Proof of necessary repairs from a licensed mechanic validating the need must be supplied to the Department. When a repair is required to pass inspection, the mechanic must supply a statement that the repair will lead to a valid inspection. If the cost of the request exceeds the HOPE limit, the Participant must verify their ability to pay the remaining balance before the Department will release funds. The Participant must provide a copy of their proof of current vehicle registration (except when the support request is for payment of vehicle registration), valid Maine driver’s license, and proof of current liability insurance coverage.
7. Vehicle Insurance: Proof of an estimate or receipt from the insurance provider must be supplied to the Department along with a copy of the Participant’s current Maine driver’s license, current registration, and a copy of the insurance declaration page.
8. Corrective Eyewear: Proof of cost of the eyewear must be submitted to the Department prior to the eyewear being ordered. This proof may include an estimate from the eyewear vendor.
9. Dental Care: Proof from the dental provider verifying the cost and the need for the service must be submitted to the Department prior to the work being performed.
10. Other Supports: Proof of the need and necessity of the support to matriculate or remain matriculated in the Training or Education Program must be submitted to the Department. This proof may include a statement from the Navigator or Training or Education Institution.
11. **Questionable Items**

Any other factors relevant to the HOPE Program eligibility or the authorization of Supports will need to be verified if the Department deems them questionable.

1. Factors will be considered questionable if:
	* 1. The Department has received a community complaint in contradiction to circumstances as attested to by the Applicant or Participant; or
		2. The circumstances vary greatly from those previously known to the Department; or
		3. The circumstances as attested to by the Applicant or Participant are not consistent with those publicly known or that could reasonably be assumed.
2. Questionable items can be verified through the least restrictive and reasonable method available to the Applicant or Participant.
	1. Preference will be given to documentary evidence such as bank statements or tenant agreements.
	2. Third party attestations are acceptable if:
	3. Other documentary evidence is not readily accessible; and
	4. The individual providing the attestation is a non-relative who can reasonably be assumed to know the circumstances.

Third party attestations can be written or verbal.

## Overpayments

Program Participants will be responsible and accountable for the appropriate use of Support Service benefits paid. Individuals are responsible for repaying any overpaid benefits regardless of whether the overpayment was the result of an error on the part of the agency, the Participant or a Family Unit member; or an act by the Participant or Family Unit member with the intent of supports being overpaid.

The Department will notify the Participant, in writing, of the potential overpayment. This notice will state the potential overpayment amount, the details of the potential overpayment, and will allow the Participant twelve (12) calendar days from the date of the notice to respond to the Department. When a Participant does not respond to the notice, the overpayment information will be referred to the Department’s FIRU. FIRU will determine the final overpayment amount and establish the method for recoupment.

When a Participant responds with updated verification that resolves the overpayment claim a written notice will be issued to the Participant stating the overpayment has been resolved. When a Participant responds to the potential overpayment notice with a claim of Good Cause for failure to submit receipts for Support Service payments issued directly to them, the Good Cause decision will be determined by the Department. The Participant will be notified in writing of the decision on the claim of Good Cause.

If an overpayment is made directly to a provider who misled or misrepresented the volume or amount of services provided or fees, the overpayment will be referred to the FIRU for further action and will not be imposed on the program Participant.

If a Participant withdraws or otherwise ceases attending their Training or Education Program during an academic period without Good Cause or without receiving a refund, the Department may establish an overpayment for the amount of the tuition paid and will follow the overpayment process regardless of the individual’s enrollment status with the HOPE Program.

## Intentional Program Violations (IPV)

When the Department determines that an Applicant or Participant took an action with the intention of receiving HOPE Program supports for which they knowingly were not eligible or spent support payments in a way that was not authorized, the Applicant or Participant will be referred to FIRU to decide if an IPV hearing is warranted.

The Department’s FIRU must review the evidence that is provided to determine if an allegation that an Applicant or Participant has committed an IPV requires further action. When documentary evidence substantiates the allegation, an Administrative Disqualifications Hearing (ADH) is initiated by FIRU. The ADH procedures will follow the regulations set forth in the Maine Administrative Procedure Act, 5 MRSA §§ 8051 - 10004. A guide to Administrative Hearings Regulations is available through the Office of Administrative Hearings. (<https://www.maine.gov/dhhs/about-us/administrative-hearings>[[6]](#footnote-7))

A HOPE Program Applicant or Participant who has been found to have committed an IPV will be disqualified from the HOPE Program for the following time periods: one year for the first violation; two years for the second violation; and permanently for the third violation. The Disqualification penalties imposed under the IPV affect the individual’s HOPE eligibility and has no effect on HOPE eligibility of others in the Family Unit.

## Appeals and Administrative Hearings

* + 1. HOPE Program decisions may be appealed by Applicants or Participants, in writing; or via telephone, fax or email within thirty (30) calendar days of the date of the HOPE written decision or Final Informal Review decision. Appeals are made to, or sent to, the HOPE Program Manager.
		2. The Applicant or Participant can request either an Informal Review or an Administrative Hearing.
		3. Informal Review

Once the request is received by the Department, the Department has ten (10) days to communicate with the Applicant or Participant and gather facts related to the appeal.

The Applicant or Participant has the responsibility of submitting verification of statements made to dispute a decision and will have twelve (12) days from the date of the request to provide such information.

The HOPE Program Manager or designee shall notify the Applicant or Participant, in writing, of the decision made as a result of the Informal Review.

If the Applicant or Participant disagrees with the results of the informal review, they may request an Administrative Hearing.

* + 1. Administrative Hearing

The hearing will be held in conformity with the *Maine Administrative Procedure Act,* 5 M.R.S. §8001 *et seq.* and the Department’s Administrative Hearings Regulations.

The hearing will be conducted at a time, date and place convenient to the parties and at the discretion of the Office of Administrative Hearings, and a preliminary notice will be given at least ten (10) calendar days from the mailing date. In scheduling a hearing, there may be instances where the hearing officer shall schedule the hearing at a location near the Applicant or Participant or by telephone.

The Department and Applicant or Participant may be represented by others, including legal counsel, and may have witnesses appear on their behalf.

An impartial official will conduct the hearing.

The decisions, rendered by the hearing authority, in the name of the Maine Department of Health and Human Services will be binding upon the Department, unless the Commissioner directs the hearing officer to make a proposed decision reserving the final decision-making authorization to the Commissioner.

Any Applicant or Participant who is dissatisfied with the hearing authority’s decision has the right to judicial review under Maine Rules of Civil Procedure, Rule 80C.

If the disputed decision involves suspension or termination of HOPE services which have been previously granted, and the Participant requests an Administrative Hearing within ten (10) days of the decision, HOPE services will continue pending outcome of the Administrative hearing. In cases where the Hearing decision rules in favor of the Department, the Department may seek recoupment for the Support Services paid on behalf of the Participant.

Adopted:

 January 1, 2020 (filing 2019-256), pursuant to Title 22 Chapter 1054-C §3790-A

Amended

 April 25, 2022 (filing 2022-062), Sections 1, 2, 3, 4, 5 and 7

October 25, 2023 (filing 2023-193) pursuant to 22 M.R.S. §3790-A(2)(E), Section 3

1. Individuals unable to access this link may request the information from the HOPE Program by mailing a request to

DHHS OFI-HOPE Program, 11 State House Station, Augusta, ME 04333; calling (207) 624-4170; faxing a request to (207) 287-3455; or e-mailing a request to HOPE.DHHS@maine.gov. [↑](#footnote-ref-2)
2. Individuals unable to access this link may request the information from the HOPE Program by mailing a request to

DHHS OFI-HOPE Program, 11 State House Station, Augusta, ME 04333; calling (207) 624-4170; faxing a request to (207) 287-3455; or e-mailing a request to HOPE.DHHS@maine.gov [↑](#footnote-ref-3)
3. Individuals unable to access this link may request the information from the HOPE Program by mailing a request to

DHHS OFI-HOPE Program, 11 State House Station, Augusta, ME 04333; calling (207) 624-4170; faxing a request to (207) 287-3455; or e-mailing a request to HOPE.DHHS@maine.gov [↑](#footnote-ref-4)
4. Individuals unable to access this link may request the information from the HOPE Program by mailing a request to

DHHS OFI-HOPE Program, 11 State House Station, Augusta, ME 04333; calling (207) 624-4170; faxing a request to (207) 287-3455; or e-mailing a request to HOPE.DHHS@maine.gov [↑](#footnote-ref-5)
5. Individuals unable to access this link may request the information from the HOPE Program by mailing a request to

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