

LD 1748 sponsor amendment (Senator Claxton)

Sec. 1. 22 MRSA 3109, sub-§2, 1st ¶ is amended as follows:

2. Identify measures of child and family economic security. ~~Beginning October 15, 2019 and annually thereafter, the~~ The department shall obtain and compile the following data for the State regarding child and family economic security from those sources reasonably available to the department, including, but not limited to, data collected and maintained by the department, data available from the Department of Labor and the Department of Administrative and Financial Services, Bureau of Revenue Services or other state or federal agencies and such other data as can reasonably be obtained from other public or private sources upon request. This data shall be provided to the joint standing committee of the Legislature having jurisdiction over health and human services matters in accordance with subsection 3 of this section. The data must include:

Sec. 2. 22 MRSA §3109, sub-§2-A is enacted to read:

2-A. Survey experiences of ASPIRE-TANF participants. Beginning in calendar year 2024, and biennially thereafter, the Department shall conduct an anonymized survey of program participants and compile the answers to include in its annual report for the following year pursuant to subsection 3. The survey must be sent to a representative sample of current ASPIRE-TANF participants and to a representative sample of ASPIRE-TANF participants whose participation in ASPIRE-TANF was terminated in the previous year with contact information that remains available to the Office of Family Independence. The department shall provide the opportunity to respond to the survey orally for participants who request interpreter services or a reasonable accommodation. The Department must redact personally identifiable information. The department may use funds from the federal Temporary Assistance Block Grant to contract for this work. The survey topics must include:

- A. Administrative burdens faced by participants in the program
- B. Availability of interpretation and translation services
- C. Experiences of discrimination based on racial or ethnic identity; sex; gender identity; sexual orientation; ability or disability status; religion; national origin; or marital status
- D. Availability of education and training programs, including post-secondary programs, and staff knowledge and referral to appropriate programs and services.
- E. Availability of adequate support services, including but not limited to childcare, transportation, and recommendations for other support services needed but not available
- F. Overall experience and recommendations for improvement of the ASPIRE program
- G. Optional demographic questions, including but not limited to geographic location, race/ethnicity, sexual orientation, gender identity, disability, religion, national origin, marital status, need for interpreter.

Section 3. 22 MRSA 3109 sub-§3, as last amended by PL 2019, c 485, §1 is further amended to read:

3. Measuring the effect of department initiatives to improve child and family economic security; report. The department shall examine ~~and use~~ the data related to program measures compiled pursuant to subsection 2 and the survey responses compiled pursuant to subsection 2-A to analyze the programs' impact on ~~and~~ family economic security, including increased ability to meet basic needs, improved educational levels and increased incomes. On January 15, 2023, the department shall present the data collected pursuant to subsection 2 along with an assessment of how these measures can be improved to the joint standing committee of the Legislature having jurisdiction over health and human services matters for the committee's review. The department shall also identify any obstacles to improving the economic security for children, families and individuals and make recommendations for addressing those obstacles, which may include improved coordination between agencies of State Government. The department shall also convene a representative group of current and former TANF participants who volunteer to review the data collected pursuant to subsection 2 of this section. This group shall have the opportunity to create a separate report making recommendations to improve economic security for children, families, and individuals, which may also be presented by the group to the committee. Beginning January 15, 2024 ~~2025~~, and ~~annually~~ biennially thereafter, the department shall present the data collected pursuant to subsection 2 and the survey responses compiled pursuant to subsection 2-A along with an assessment of how these measures can be improved to the joint standing committee of the Legislature having jurisdiction over health and human services matters for the committee's review. The department shall also identify any obstacles to improving the economic security for children, families and individuals and make recommendations for addressing those obstacles, which may include improved coordination between agencies of State Government. The department shall convene a representative group of current and former TANF participants who volunteer to review the data collected pursuant to subsection 2, along with the anonymous data collected pursuant to subsection 2-A of this section. This group shall have the opportunity to create a separate report making recommendations to improve economic security for children, families, and individuals, which may also be presented by the group to the committee. For all reports required pursuant to this sub-section, the committee's review must include the opportunity for public comment ~~on the department's presentation~~ and the committee may introduce any legislation that it considers necessary to address barriers faced by the department in improving economic security for children, families and individuals in this State.

Sec. 4. 22 MRSA §3762, sub-§§ 1, ¶¶ G and H are enacted to read:

1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "ASPIRE-TANF" means the ASPIRE-TANF program established in section 3781-A.

B. "Domestic violence" has the same meaning as provided in Section 408(a)(7)(C)(iii) of PRWORA.

B-1. "DRA" means the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4.

C. "Federal poverty level" means the nonfarm income official poverty line for a family of the size involved, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2.

D. "PRWORA" means the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.

E. "TANF" means the Temporary Assistance for Needy Families program, under the United States Social Security Act, as amended by PRWORA. "TANF" provides temporary assistance to needy, dependent children and their parents or caretaker relatives.

F. "Supplemental Nutrition Assistance Program" or "SNAP" means the statewide food supplement program administered by the State pursuant to section 3104.

G. "Culturally and linguistically appropriate" services means services that are designed to serve culturally diverse populations in their preferred languages; function effectively within the context of the cultural beliefs, behaviors, and needs presented by program participants and their communities; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with people in the program; actively support and enable participants to make informed choices; and value and facilitate the exchange of information with participants.

H. "Trauma informed" services means services that acknowledge and are informed by the widespread impact of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in clients, families, and staff; respond by fully integrating knowledge about trauma into policies, procedures, and practices; and seek to actively avoid re-traumatization.

Sec. 5. 22 MRSA §3762, sub-§ 21 is enacted to read

21. Duty to provide culturally appropriate and trauma informed services. The department shall work with all TANF participants in a culturally and linguistically appropriate and trauma-informed manner to assist each family in obtaining the services and skills necessary to sustain economic stability and opportunity after leaving the TANF program. Each ASPIRE-TANF participant must be screened to identify any need for cultural or linguistic or trauma-informed services. If such a need is identified, the Department shall utilize appropriate methods and techniques to work with the participants to develop a goal that reflects, to the greatest extent possible, the preferences of the participants, coupled with individualized plans that address the participant's situation and barriers to sustained economic stability. The department shall work with participants to connect with appropriate programs and services available to

help the family attain and sustain economic stability, and to ensure the well-being of the children.

Sec. 6. 22 MRSA §3788, sub-§1-A as last amended by PL 1997, c. 530, Pt. A §26 is further amended to read:

1-A. Information about and application for Parents as Scholars. When there are fewer than 2,000 enrollees in the Parents as Scholars Program under chapter 1054-B, the department shall inform all persons applying for ASPIRE-TANF and all ASPIRE-TANF participants reviewing or requesting to amend their education, training or employment program under ASPIRE-TANF of the program, shall offer them the opportunity to apply for the program, and shall assist people seeking to matriculate for post-secondary education, including through appropriate referrals for remedial services or financial aid assistance, and the provision of ASPIRE services for which they are eligible

Sec. 7. 22 MRSA §3788, sub-§ 6 as last amended by 1997, c. 530, Pt. A, §26 is further amended to read:

6. Education, training and employment services. The ASPIRE-TANF program must make available a broad range of education, training and employment services in accordance with section 3781-A, subsection 3 and the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 and the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4. These services and activities must include all of those services and activities offered by the Additional Support for People in Retraining and Employment Program on October 1, 1989, except in 2-year and 4-year postsecondary education and except as provided in chapter 1054-B. This section does not prohibit the department from purchasing equivalent services from providers other than those from whom those services were purchased on October 1, 1989. When a particular approved education or training service is available at comparable quality and cost, including the cost of support services, and the implementation of the family contract would not be unreasonably delayed, the program participant may choose to enroll for that service with the provider of that person's preference. If this decision is not mutually agreed to by the participant and the case manager, the decision must be reviewed by the case manager's supervisor. These services ~~do not~~ shall include reimbursement for the cost of tuition, ~~or~~ mandatory fees, or the cost of transcripts or transferring credits for postsecondary education ~~unless:~~ when the participant has exhausted any available educational funding to complete the participant's family contract, in accordance with rules adopted by the Department.

~~A. The participant is unable to secure other educational funding needed to complete the participant's family contract due to:~~

~~(1) Poor credit as determined by the educational funding source; or~~

~~(2) The consideration by the educational funding source of resources from past years that are not actually available to the participant;—~~

~~B. In the determination of the department, failure to pay the tuition or fee would result in higher ASPIRE-TANF program costs to achieve the participant's approved goal; or~~

~~C. The participant meets an exception specified in rules adopted by the department.~~

When a substantially similar postsecondary education or training program of comparable quality is available at both a public and private institution, within a reasonable commuting distance for the participant, the department may choose to approve the program offered at the public institution if the participant's program can be completed at less cost at the institution.

Sec. 8. 22 MRSA §3788, sub-§ 6-A is enacted to read

6-A. Parents as Scholars pre-matriculation services. The department shall assist TANF-ASPIRE participants interested in applying for the Parents as Scholars program to prepare to matriculate, including enrolling in or preparing to enroll in a program providing remedial services necessary for matriculation, identifying the strengths, needs, and barriers faced by the participant and making referrals to programs qualified to assist the participant with the services, supports, education, training, and accommodations needed to reduce or overcome barriers to enrollment in the Parents as Scholars Program. The Department will cover the cost of support services in accordance with this section needed for any activity under this sub-section included in the family contract. Any hours spent preparing for matriculation under this sub-section, including but not limited to exploring educational opportunities and financial aid options and applying for educational programs or financial aid, shall be considered hours of participation in the ASPIRE-TANF program at Chapter 1053-B.

Sec. 9. 22 MRSA § 3790, sub-§1 is amended to read:

1. Established. The department shall establish a student financial aid program based on need for up to 2000 participants known as the Parents as Scholars Program, referred to in this section as the "program," to aid needy students who have dependent children and who are matriculating in postsecondary undergraduate 2-year and 4-year degree-granting education programs. Enrollees in the program must be provided with a package of student aid that includes aid for living expenses equivalent to that provided pursuant to chapter 1053-B [TANF], medical assistance pursuant to chapter 855 [MaineCare] and services and benefits at least equivalent to those provided pursuant to chapter 1054-A [ASPIRE] and to participants in the Higher Opportunity to Pathways to Employment program pursuant to chapter 1054-C. A family that ceases to receive aid under this chapter as a result of increased child support or increased hours of, or increased income from, employment is eligible to receive transitional support services in accordance with section 3762, subsection 8. The program must be supported with funds other than federal block grant funds provided under the United States Social Security Act, Title IV-A, except that federal funds may be used in accordance with federal law if their use does not result in the imposition of conditions of participation or program requirements other than those established by this chapter.

Sec. 10. 22 MRSA §3790, sub-§3 is amended to read:

3. Program requirements. For the purposes of this section, study hours are to be counted as three times the number of hours enrolled in the educational program. These study hours are not required to be scheduled or supervised. An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program. Aid under this chapter may continue beyond 24 months if the enrollee remains in an educational program and agrees to participate in either of the following options:

A. Fifteen hours per week of work-site experience in addition to other education, training or study; or

B. A total of 40 hours of education, training, study or work-site experience.

The department shall present both options to enrollees and permit them to choose either option. For the purpose of this subsection, work-site experience includes, but is not limited to, paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activities that, as determined by the department, will enhance the enrollee's employability in the enrollee's field. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement.

The department shall make reasonable adjustments in the participation requirements in this subsection for good cause. For the purpose of this subsection, "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic performance. "Good cause" includes, but is not limited to, a verifiable need to take care of a family member with special needs, a physical or mental health problem, illness, accident, death or a serious personal or family problem that necessitates reduced participation or time off from education, training or work. An enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's educational program. The department shall adopt rules defining satisfactory academic progress. The department may not disapprove an educational plan based solely on the length of the educational program.

Participants shall be deemed to meet the participation requirements of this section if the participant, in order to improve their academic performance, to improve their attendance, or to more appropriately meet the needs of their family, has chosen to matriculate less than full time but at least part-time, as defined by acceptance to and official registration as at least a part-time student by the training or education institution.

Sec. 11. 22 MRSA § 3790-A, sub-§ 2-A is enacted to read:

2-A. Coordination with state educational institutions and programs. The department shall deem a referral from an educational institution or program that is part of the University of Maine System; the Maine Community College System; Jobs for Maine's

Graduates, established in Title 20-A, chapter 226; an adult education program established in Title 20-A, chapter 315; or the career centers established by the Department of Labor as an application for the Higher Opportunity to Pathways to Employment Program as long as, in accordance with department rules, it is submitted by a qualified person at the institution or program on a form provided by the department for this purpose and signed by the prospective student expressing a desire to enroll in the Higher Opportunity to Pathways to Employment Program. The department shall notify these institutions and programs of the opportunity to refer prospective students in accordance with this subsection and make available to prospective students and these institutions and programs referral forms to serve as an application for purposes of this subsection.

Sec. 12. Improve application processes for post-secondary education programs.

In order to improve access to post-secondary certificate and degree programs through ASPIRE, Parents as Scholars, Higher Opportunity to Pathways to Employment program, Competitive Skills Scholarship Program, and other programs providing this opportunity, the departments of health and human services, education and labor as well as the University of Maine System and the Maine Community College System shall work together to explore the feasibility of creating a pre-application for persons expressing a desire to enroll in post-secondary education and training programs to be available from the departments and at relevant educational institutions or programs including, but not limited to, the University of Maine System, the Maine Community College System, adult education programs established in Title 20-A, chapter 315, and the career centers established by the department of labor. The departments of health and human services, education and labor as well as the University of Maine System and the Maine Community College System shall identify opportunities for an individual to initiate their application, with the departments coordinating and facilitating the application for the correct program based on the applicant's interests and the programs' eligibility requirements. By March 1, 2024, the Department of Labor, University of Maine System, the Maine Community College System, adult education program, and the Department of Health and Human Services shall provide a written status update for the Joint Standing Committee on Health and Human Services, regarding the feasibility of facilitating applications for post-secondary education programs. This written status update shall include any needs, financial, technological, or otherwise, identified by the departments, university and college systems to achieve this type of enhanced coordination and strategies to meet those needs. The committee may introduce any legislation that it considers necessary in response to this status update.

Sec. 11. Rulemaking. No later than June 1, 2023, the department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement Section 4 of this Act. In advance of rulemaking pursuant to these sections the department shall consult with current and former participants in the ASPIRE-TANF Program and consider their recommendations.

Summary

This amendment replaces the concept draft. It accomplishes the following:

1. It requires the addition of qualitative survey data of ASPIRE-TANF participants in the annual report that is submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters pursuant to Title 22, section 3109.
2. It requires the Department of Health and Human Services to provide “culturally and linguistically appropriate services” and “trauma informed services” to TANF recipients. It requires the rulemaking process to define these terms to include consultation with current and former TANF participants.
3. It requires the Department to assist recipients of TANF seeking to matriculate for the Parents as Scholars program, with access to remedial services, financial assistance and the provision of ASPIRE services. Services must include reimbursement for tuition, fees, and transcript costs. Hours spent preparing for matriculation are considered hours of participation in the ASPIRE-TANF program.
4. It creates parity between the Parents as Scholars program and the Higher Opportunity to Pathways to Employment Program by requiring, for both programs, that study hours for child care to be counted for three hours for every one hour of enrollment, and options for part time study are available.
5. It requires the simplification of the application process for education programs including ASPIRE, Parents as Scholars, Higher Opportunity to Pathways to Employment, and the Competitive Skills Scholarship Program to a single application.