

§2033. Competitive Skills Scholarship Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Department" means the Department of Labor. [PL 2007, c. 352, Pt. A, §3 (NEW).]
- B. "Fund" means the Competitive Skills Scholarship Fund established in accordance with section 1166. Money in the fund may be used to pay for the operation, services and assistance provided through the Competitive Skills Scholarship Program as well as certain costs associated with the administration of the program. [PL 2007, c. 352, Pt. A, §3 (NEW).]
- C. "Participant" means an eligible individual enrolled in the program. [PL 2007, c. 352, Pt. A, §3 (NEW).]
- D. "Plan" means the individual career plan that must be provided to each eligible participant in accordance with subsection 8. [PL 2007, c. 352, Pt. A, §3 (NEW).]
- E. "Program" means the Competitive Skills Scholarship Program established in subsection 2. [PL 2007, c. 352, Pt. A, §3 (NEW).]
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2. Program established. The department shall establish and administer an employment training program known as the Competitive Skills Scholarship Program. The purpose of the program is to provide individuals with access to education, training and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force in accordance with the provisions of this section.

The commissioner may expend funds through the department's career centers from the fund for the costs of education, training and support in accordance with subsection 6, for career counseling and for the administration of the program. Career counseling must include developing a plan and assisting a participant in accessing the support necessary for the participant to participate in the plan. The commissioner shall establish a limit on or a formula that limits the proportion of program funds that are expended on career counseling and for administration.
[PL 2015, c. 402, §1 (AMD).]

3. Notice. The department shall provide notice, including individual written notice, signs and other effective outreach methods, to inform people of the program and the education, training and support available from or through the program to individuals seeking work, education or training in the department's career centers.
[PL 2007, c. 352, Pt. A, §3 (NEW).]

4. Criteria for education and training approved under the program. Education or training for a participant must meet the criteria set out in this subsection.

- A. The education or training provided through the program must be for employment in industries with significant demand for skilled labor that have been:
 - (1) Identified by the Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;
 - (2) Recommended by the State Workforce Board; and
 - (3) Approved by the Governor or the Governor's designee. [PL 2017, c. 110, §22 (AMD).]
- B. Education or training approved under this section must result in a postsecondary certificate, degree or similar credential that is universally recognized and accepted by the trade or industry in which the participant intends to seek employment and that is likely to provide opportunity for

employment in jobs that will provide substantial improvement in the participant's earnings and benefits. [PL 2007, c. 352, Pt. A, §3 (NEW).]
[PL 2017, c. 110, §22 (AMD).]

5. Eligibility criteria. Within the limits of available program resources, enrollment in the program must be granted if the individual applying for enrollment:

- A. Is at least 18 years old or has graduated from high school; [PL 2019, c. 66, §2 (AMD).]
- B. Does not have a marketable postsecondary degree; [PL 2007, c. 352, Pt. A, §3 (NEW).]
- C. Has income less than 200% of the federal poverty level for the family size involved; [PL 2007, c. 352, Pt. A, §3 (NEW).]
- D. Is applying for education or training for a job in an industry approved under subsection 4; and [PL 2007, c. 352, Pt. A, §3 (NEW).]
- E. Has the aptitude to undertake and complete education or training as determined by the institution providing the education or training. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2019, c. 66, §2 (AMD).]

5-A. Secondary student eligibility. Notwithstanding subsection 5, paragraph A, a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region may be granted enrollment in the program if the student applies for enrollment and meets the requirements of subsection 5, paragraphs B, C, D and E. For the purpose of determining eligibility under subsection 5, paragraph C, "income" includes the income of the student's family as defined by department rule.

The commissioner may not expend, on an annualized basis, more than 15% of the annual revenue to the fund for tuition, other allowable costs and administration and case management for students enrolled in the program under this subsection and the costs for any of these students who continue to participate in the program after attaining 18 years of age.

[PL 2019, c. 66, §3 (AMD).]

6. Provision of education, training and support. Payment for education, training and support included in a participant's plan must be furnished promptly to, or on behalf of, a participant.

A. The program must provide to a participant, in accordance with rules adopted by the department, when education, training and support are not reasonably available from another recognized program and are necessary to carry out that participant's plan:

- (1) Books, supplies, tools and equipment required by the participant's plan;
- (2) Child care, transportation and other necessary support as determined by the department; and
- (3) Assistance needed to obtain remedial or prerequisite education necessary for the participant to participate successfully in the program.

Money for mandatory fees or tuition may not be provided unless the participant is not eligible for necessary funds from other public grants or scholarships reasonably available to the participant for this purpose. [PL 2007, c. 352, Pt. A, §3 (NEW).]

B. The department shall establish by rule a maximum limit on the amount of assistance available to participants. This limit may be waived by the commissioner if the commissioner determines it is necessary, prudent and consistent with the goals of the program under the circumstances. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2007, c. 352, Pt. A, §3 (NEW).]

7. Application; decision; appeal. An individual must be given the opportunity to make a written application for education, training and support available from the program and be given a prompt written decision from the department specifically indicating the type and amount of services approved or denied. Any decision related to eligibility for, or the provision of, services under this section must provide notice that the decision may be appealed by the individual through a request for a hearing within 30 days of receipt of the decision in accordance with rules adopted by the department and consistent with Title 5, chapter 375, subchapter 4. The 30-day appeal period may be extended up to 15 additional days if the claimant can show good cause for failing to appeal within the initial 30-day period. [PL 2007, c. 352, Pt. A, §3 (NEW).]

8. Individual career plan. This subsection governs the development of a plan for a participant.

A. When an individual's application for the program is approved, an individual career plan must be developed by the program with the eligible individual consistent with the provisions of this section and must reflect, to the maximum extent feasible, the preferences of the participant, within the confines of the goals associated with this subchapter. A plan may be modified when necessary to assist a participant to participate successfully in the program. The plan must include the education or training program approved, the degree or credential expected at program completion and the services and support to be provided under the plan. [PL 2007, c. 352, Pt. A, §3 (NEW).]

B. Prior to the establishment of a plan, a participant must be given:

- (1) A description of the program, including a list of services and supports available through the program and nontraditional employment opportunities, so that the participant may identify a suitable employment goal and the services needed to participate in the program;
- (2) The opportunity to learn about and examine relevant labor market information related to identified industries and the participant's employment preference;
- (3) If the participant's employment goal is an occupation for which an apprenticeship may be available, information about the department's apprenticeship program under chapter 33; and
- (4) Information about and assistance in applying for other services that will assist the participant in succeeding in the plan and prevent any unnecessary expenditure of resources by the program, including federal financial aid provided under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28; the state and federal earned income tax credit; health care resources; unemployment compensation; dislocated worker benefits; trade adjustment assistance; and other services available from other departments of State Government including the Department of Health and Human Services. [PL 2007, c. 352, Pt. A, §3 (NEW).]

[PL 2007, c. 352, Pt. A, §3 (NEW).]

9. Rules. The commissioner shall adopt rules to implement the program in a manner that maximizes successful education and training opportunities for participants and to provide for its fair and efficient administration in accordance with this section. Rules adopted under this subsection are routine technical rules and must be adopted in accordance with Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 352, Pt. A, §3 (NEW).]

10. Monitoring, evaluation and annual report. The department shall implement a comprehensive evaluation strategy that evaluates the fund, using both quantitative and qualitative data and including an analysis of the return on investment in the fund. The evaluation must consider, at a minimum, the following factors: the value of total compensation, including, but not limited to, health insurance and other benefits to those participating in training; the impact of the program on the Unemployment Compensation Fund; the impact on productivity and performance for employers; and the impact on meeting the demand for skilled workers in industries in this State. The evaluation must measure the impact of the program over time, including a longitudinal analysis that captures

productivity and other outcomes related to the program. The department must submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by February 1st of each year on the status of the program and on the evaluation data collected and analyzed. The report also must include the formula or limit established by the commissioner pursuant to subsection 2 to limit the proportion of program funds expended on career counseling and administration and the amount of funds expended for these purposes.

[PL 2015, c. 402, §2 (AMD).]

11. Enrollment of eligible supplemental nutrition assistance program participants. The department shall enroll, to the maximum extent possible and when appropriate, participants in the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 who meet the eligibility criteria specified in subsection 5 and who are referred to the program pursuant to a memorandum of agreement entered into by the State with the Department of Health and Human Services as part of the individual's self-sufficiency plan under the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104. Federal funds may not be used to supplant state funds used to provide education, training and support under this section to program participants enrolled pursuant to this subsection.

[PL 2013, c. 422, §2 (NEW).]

SECTION HISTORY

PL 2007, c. 352, Pt. A, §3 (NEW). PL 2007, c. 506, §2 (AMD). PL 2011, c. 627, §4 (AMD). PL 2013, c. 422, §§1, 2 (AMD). PL 2013, c. 502, Pt. O, §1 (AMD). PL 2015, c. 257, §1 (AMD). PL 2015, c. 402, §§1, 2 (AMD). PL 2017, c. 110, §22 (AMD). PL 2019, c. 66, §§2, 3 (AMD).

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