

<u>Policy # 13</u>	
SUBJECT:	Performance/Subsequent Eligibility Requirements for Eligible Training Provider List
DATE ISSUED:	June 8, 2015, Updated
DATE EFFECTIVE:	August 1, 2016
REVISION DATE:	July 26, 2016; April 16, 2020

REFERENCES: Workforce Innovation and Opportunity Act of 2014, Section 122. TEGL 41-14 20 CFR 680.470

BACKGROUND: The Workforce Innovation and Opportunity Act of 2014, Section 122, outlines the process for the development of the statewide Eligible Training Provider list (ETPL).

ACTION: Effective November 6, 2020, the Region III Workforce Development Board will advise all Region III Eligible Training Providers and those Training Providers who desire approval as an Eligible Training Provider to follow the procedures as outlined in the Workforce West Virginia Updated WIOA Policy 01-15 (Change 3) at https://workforcewv.org/images/files/PublicInfo/public-notice/WIOA_Policy_01-15-_ETPL_Change_J.pdf

**WIOA Policy No. 01-15, Change 3
WorkForce West Virginia**

TO: Workforce Development Boards/Training Providers/Interested
Members of the Public/Representatives of Business and Labor
Organizations

FROM: WorkForce West Virginia

DATE: June 8, 2015
Updated July 26, 2016
Updated April 16, 2020

SUBJECT: Eligible Training Provider List

EFFECTIVE DATE: August 1, 2016

I. REFERENCE(S):

Workforce Innovation and Opportunity Act of 2014, Section 122. TEGL 41-14
20 CFR 680.470

II. PURPOSE:

To establish policy for the statewide Eligible Training Provider List.

III. BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) section 122 requires the Governor and State Workforce Development Board (SWDB) to establish eligibility criteria and procedures and publish a list of training providers who meet the established criteria. The Eligible Training Provider List (ETPL) is to be made available to State and local boards, as well as WIOA participants and members of the public. WIOA also requires that Registered Apprenticeship programs be included on the state's ETPL although these programs are not subject to the requirements that other training providers must meet.

Eligible training providers are entities eligible to receive WIOA funds for adult and dislocated worker participants who enroll in training. Potential providers include:

- A. institutions of higher education that provide a program that leads to a recognized post-secondary credential;
- B. entities that carry out programs registered under the National Apprenticeship Act of August 15, 1937 (*refer to ETPL exemptions on page 5*); and
- C. other public or private providers of a program of training services, which may

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include joint labor-management organizations, and eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with occupational skills training.

IV. PROCEDURE:

Training Provider Eligibility Procedures

Initial Application and Eligibility Requirements

Training providers not currently on the ETPL who choose to apply for the ETPL will need to complete items 2(a) through 2(g) below. Current providers of training who wish to add a new program of study to the ETPL must complete items 2(d) through 2(f) below.

1. Submit a completed Providers of Training Services Initial Application for processing to WorkForce West Virginia (WFWV) at the following link:
<https://public.workforcewv.org/ServiceProvider/ServiceProviderEnrollment.asp?>
2. Training Providers must provide the following:
 - a. Provider name, contact information, and Federal Employer Identification Number (FEIN).
 - b. Evidence of Provider accreditation and/or licensure with appropriate state or other governing entity.
 - c. Student grievance and refund policy and procedure.
 - d. Information pertaining to program including, Classification of Instructional Programs (CIP), performance, cost, partnership with business, and alignment of training with in-demand occupations.
 - e. Description of each program of training services to be offered.
 - f. Evidence of Program accreditation and/or licensure with appropriate state or other governing entity.
 - g. The provider agrees they will begin to gather student data and will submit student data by September 30th for the *previous* academic year defined as July 1 through June 30 (i.e. On September 30, 2016, data will be due for students who completed by June 30, 2015).
 - h. Must provide all assurances, including but not limited to Section 504 of the Rehabilitation Act of 1973.
3. Upon receipt of completed application and program data, WFWV shall attempt to

make an initial determination of statewide eligibility within 15 business days. Training providers will be contacted via email if the completed application and/or program data requires clarification.

4. The Local Workforce Development Board (LWDB) will then have 10 business days to review and make comments to the state prior to the official determination of eligibility and placement on the ETPL.
5. Upon successful initial eligibility determination by WFWV, the training program will be added to the ETPL. Training providers may check their provider/program status at: <https://public.workforcewv.org/ForgotPassword.asp?>
6. New providers will be continually added to the ETPL as they become eligible. Initial eligibility remains in effect for a maximum of one year. (All continuing eligibility applications must be received by September 30).

Renewal Application and Continuing Eligibility Requirements

Training providers, who currently have programs listed on the ETPL and want to have their programs remain on the ETPL, must follow the procedures for continuing eligibility determination as follows:

Training providers must apply for renewal by September 30th. The eligibility period will span the respective following two calendar years (January 1—December 31).

1. Submit a completed Providers of Training Services Renewal Application for processing to WFWV via <https://public.workforcewv.org/ForgotPassword.asp?>
Application must include:
 - a. updated provider information;
 - b. updated information on each program pertaining to alignment of training with in-demand occupations; and
 - c. updated program data.
2. Submit student data as referenced in WIOA sections 116 and 122 for calculation of State Performance Information by September 30th for the *previous* academic year defined as July 1 through June 30 (i.e. on September 30, 2016, data will be due for students who completed by June 30, 2015). This data will be included on the ETPL for the upcoming calendar year (CY).
3. Submit ETP performance on WIOA performance indicators (employment 2nd & 4th Quarter after exit, median earnings, credential attainment) as well as:
 - a. Total number of participants enrolled in the program.
 - b. Total number of participants completing the program.
 - c. Total number of participants exiting the program.

- d. Information regarding the completion rate of participants.
4. Description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology.
5. Information reported to State agencies on Federal and State training programs other than programs within WIOA title 1B, including partner programs, (i.e. Adult basic education and literacy, Division of Vocational Rehabilitation, etc.) that are used to provide additional information about overall effectiveness, quality, and utilization of programs.
6. Address ETP's ability to offer industry-recognized certificates and credentials.
7. Information on recognized post-secondary credentials received by program participants.
8. Describe quality of the program of training services including a program that leads to a recognized postsecondary credential.
9. Description of ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
10. Timeliness and accuracy of ETP's performance reports.
11. Upon receipt of completed application and student data, WFWV will make a determination of continuing statewide eligibility based on completeness of submitted information.
12. The Local Workforce Development Board (LWDB) will then have 10 business days to review and make comments to the state prior to the official determination of continuing eligibility and placement on the ETPL.
13. The statewide ETPL will be published at:
<https://public.workforcewv.org/JobSeeker/TrainingCourseSearch.asp>
14. Continued eligibility will be reviewed by the state biennially.
15. Minimum levels of training provider performance may be considered as a criterion for continued eligibility beginning 2018.

Removal from ETPL and Appeals

A training provider and/or its program may be denied inclusion in or removed from the state ETPL for one or more of the following reasons (documented proof that these conditions exist must be provided):

1. The initial and/or renewal application was not completed, was not completed by established due date, or was missing required information.

2. Performance data was not submitted or was not submitted by established due date.
3. The training provider intentionally supplied inaccurate information (This exclusion or removal will remain in effect for a minimum of two years).
4. The training provider substantially violated any requirement under WIOA, state or local laws and policy.
5. The training provider loses its license or accreditation of its accrediting body.
6. Upon setting minimum levels of performance, a provider or program that fails to meet such levels will be removed.

It is a substantial violation of the requirements to timely and accurately submit all of the information required for completion of the eligible training provider performance reports required under WIOA sec. 116(d)(4) if the provider knowingly supplies false performance information, misrepresents costs or services, or violates requirements of WIOA law or regulations. Providers who substantially violate the requirements of providing appropriate, accurate, and timely information for participants receiving training under WIOA title 1, subtitle B, will be removed from the ETPL. Such providers are liable to repay all adult, dislocated worker and youth funds received during the period of non-compliance. WFWV will take into account exceptional circumstances beyond the provider's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues when determining appropriate action.

If WFWV denies eligibility for listing of a provider's program on the ETPL, they must inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process within 14 calendar days of the decision. WIOA students currently enrolled in such a program will be allowed to complete the program. If a training provider chooses to appeal, a training program that is subject to removal shall remain on the State ETPL until the appeal is concluded.

A provider choosing to appeal a decision must submit a written appeal to WFWV within 30 calendar days of the issuance of the denial notice. The written appeal must include:

- a statement of the desire to appeal;
- specification of the program in question; and
- specifically and in detail the grounds and the reasons upon which it is claimed that the denial was erroneous.

WFWV will not consider any factual or legal grounds for relief that are not set forth in the appeal. WFWV will determine whether a hearing for the purpose of fact-finding is necessary and will issue a decision not later than 30 calendar days from either the date an in-person hearing is held, or the date the appeal request is received by WFWV.

Programs that have been removed from or denied listing on the ETPL may be

reinstated after one year (two years if removal was due to willful submission of inaccurate information) by applying through the initial application process.

ETPL Exceptions

Registered Apprenticeships

Registered Apprenticeship (RA) programs are exempt from performance and reporting-related requirements in order to enable these evidence-based programs to be placed on the statewide ETPL with minimal burden. These programs have already gone through a rigorous assessment as part of the registration process with the U.S. Department of Labor, Office of Apprenticeship (DOLETA/OA). Inclusion of Registered Apprenticeship programs on the state ETPL enhances participants' awareness of the programs and provides local workforce systems with a mechanism to support this valuable training model. Registered Apprenticeship is a proven approach for employers to build a pipeline of highly-skilled workers, promoting employee retention and increasing productivity. All Registered Apprenticeship openings listed on the ETPL will automatically be considered as a statewide demand occupation for as long as the opening(s) remain unfilled. Further, if openings for new apprentices exist in the local area, the RA program should automatically be considered in-demand training. This will allow ITAs to support participants in RA programs and more directly connect those programs to one-stop centers. On-the-job training, internships, paid or unpaid work experience, transitional employment, or pre-apprenticeship programs that are not considered training are not required to be listed on the ETPL.

LWDB staff should contact WorkForce West Virginia for assistance with specific Registered Apprenticeship program inquiries.

On-the-Job Training, Customized Training, Incumbent Worker Training, and Other Training Exceptions

Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment are exempt and therefore not required to submit performance data or undergo a state review during the initial or continuing eligibility determination process. Instead, Section 122(h)(2) tasks the "one-stop operator in a local area shall collect such performance information from providers ... and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system." One-stop operators in a local area should complete reviews of these types of providers to ensure continued use of their services provides

participants with quality relevant training opportunities.

Youth Workforce Investment Activities

Youth workforce investment activities for in-school youth are exempt and therefore not required to submit performance data or undergo a state review during the initial or subsequent eligibility determination process. They do not have to submit applications for either initial or renewal phases.

IV. Public Comments and Recommendation

All comments or questions are to be submitted to WorkForce West Virginia/Employment Services Division.

**This is a living document and subject to change as needed to accommodate public comments, Federal and State requirements and expectations, etc.*