

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



WORKFORCE INNOVATION AND  
OPPORTUNITY ACT (WIOA)  
POLICY MANUAL

CHAPTER 2 - SECTION 600

SUBJECT: ELIGIBLE TRAINING PROVIDER LIST

**600 BACKGROUND AND PURPOSE**

This section provides policy for Local Workforce Development Areas (LWDAs), in partnership with the state, to use in identifying qualified eligible training providers and programs for Arizona's statewide Eligible Training Provider List (ETPL), as mandated by the Workforce Innovation and Opportunity Act (WIOA) of 2014. The ETPL includes training providers who are eligible to receive WIOA Title IB funds to train eligible adults and dislocated workers as well as training program cost, credential information and performance information. Arizona's ETPL is available on the Arizona Job Connection (AJC) website, [www.azjobconnection.gov](http://www.azjobconnection.gov), the state's comprehensive workforce case management and reporting system. Youth training contracted providers, on-the-job training (OJT) providers, and customized training providers are not listed on the ETPL and are not subject to this policy.

References: Workforce Innovation and Opportunity Act (WIOA) of 2014; Federal Register 20 CFR 680

**601 PROGRAM DESIGN**

WIOA emphasizes informed customer choice, job-driven training, provider performance and continuous improvement. The ETPL is comprised of approved eligible training providers and training programs that are approved by the LWDAs and the state to provide training services to eligible WIOA participants. To be approved for the ETPL, training programs must meet state and local requirements, which includes resulting in a federally or locally recognized credential and being related to in-demand industry sectors and occupations in Arizona. The state must make the ETPL available throughout the One-Stop system.

**602 ROLES AND RESPONSIBILITIES**

The Arizona Department of Economic Security (DES) and the LWDAs share responsibilities for managing the eligible training provider process.

**.01 DES Responsibilities**

The DES is the designated state agency for WIOA administration, and is responsible for:

- A. Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible;
- B. Developing and maintaining the list of eligible training providers and programs approved by LWDA's;
- C. Determining if training programs meet performance levels, including verifying the accuracy of information on the ETPL in consultation with LWDA's, removing training programs that do not meet performance levels, and taking appropriate enforcement action against ETPL training providers who intentionally provide inaccurate information or violate the requirements of WIOA;
- D. Distributing the ETPL, accompanied by credential, cost and performance information for each ETPL training program, to the LWDA's throughout Arizona;
- E. Notifying training providers and the respective LWDA of training provider denials and state level denials of programs;
- F. Ensuring training providers' applications and programs approved by LWDA's are reviewed, and those approved are placed on the ETPL in a timely manner (see Section 608.02.J);
- H. Giving training providers an opportunity to appeal a denial or termination of eligibility, including an opportunity for a hearing at the state level, and a timely decision; and
- I. Making eligibility decisions on training provider appeals to DES, after a training provider receives an unsatisfactory appeal decision at the local level, which includes an opportunity for a hearing and a timely decision (see Section on 615).

**.02 LWDA Responsibilities**

LWDA's assume the following responsibilities for the training provider eligibility process:

- A. Ensuring distribution and appropriate use of the ETPL through the LWDA One-Stop system;
- B. Assisting in determining the initial eligibility of training providers;

- C. Coordinating with DES to ensure that training provider programs that are approved are placed on the statewide ETPL in a timely manner (see Section 608.02.J);
- D. Monitoring training providers for compliance and performance;
- E. Reviewing training programs for initial eligibility;
- F. Collecting performance and cost information and any other required information related to programs from training providers;
- G. Executing procedures prescribed by DES to assist in determining the continued eligibility of all training programs;
- H. Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meets minimum performance standards;
- I. Consulting with the State ETPL Coordinator in cases where termination of an eligible provider is considered;
- J. Ensuring removal of training programs that are found to not meet ETPL requirements and performance levels and/or are out of compliance with provisions of the WIOA;
- K. Notifying training providers and the State ETPL Coordinator of denial of programs at the local level;
- L. Working with DES to ensure there are a sufficient number and types of training services, including eligible training providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities and serving the local area; and
- M. Giving training providers an opportunity to appeal a denial or termination of eligibility of programs that includes an opportunity for a hearing at the local level, a timely decision and a right to appeal to DES (see Section 615).

### **.03 Training Provider Responsibilities**

Training providers assume the following responsibilities:

- A. Completing an online application on the Arizona Job Connection (AJC) website at [www.azjobconnection.gov](http://www.azjobconnection.gov). The application must be filled out completely and be submitted to a LWDA according to the LWDA's requirements;
- B. Submitting Training Provider Assurances Form to the State ETPL Coordinator;
- C. Submitting supplemental documents to the ETPL Coordinator and LWDA as required;
- D. Submitting initial performance information;
- E. Submitting performance information on the Annual Training Provider Performance Report;
- F. Collecting information about all students attending a training program as required for reporting of performance measures;
- G. Submitting updated information or changes to a training program through the AJC website as soon as the change occurs;
- H. Providing periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required and requested by the LWDA;
- I. Notifying DES and LWDA of impending school move, sale or closure; and
- J. Notifying DES and the LWDA of change in point of ETPL contact.

## **603 ETPL TRAINING PROVIDER QUALIFICATIONS**

Training providers must meet the following qualifications to be eligible for Arizona's ETPL.

### **01. Types of Training Providers**

- A. An institution of higher learning that provides a program that leads to recognized postsecondary credential;
- B. Entities that provide registered apprenticeship programs;

- C. Other public and private providers of training programs, including joint labor-management organizations and providers of adult education and literacy activities when such activities are provided in combination with occupational skills training; and
- D. Local Boards, upon the state's approval of a waiver.

## **02. Licensing**

Training providers must be licensed by the appropriate Arizona or federal licensing authority, as required by Arizona and Federal law.

- A. Specific occupations have governing boards that issue licenses, such as the Arizona Board of Cosmetology, Arizona Department of Transportation, and Arizona Board of Nursing. Training providers must be licensed by the appropriate governing board to offer training for the occupation.
- B. Private post-secondary institutions and training providers must be licensed by a federal or Arizona authority as specified in Section 603.02.A. Private post-secondary must be licensed by the Arizona State Board of Private Postsecondary Education (<http://azppse.state.az.us/>).
- C. Private post-secondary training providers, who apply for an Arizona Private Postsecondary license and are denied due to a determination that the training program is not vocational in nature, are not eligible to be listed on the ETPL.
- D. For training providers of adult education and literacy activities that are provided in combination with occupational skills training, the training provider of the adult education must be listed on the Arizona Department of Education's list of Adult Basic Education (ABE) in Basic Reading, Writing, and Mathematics Skills and GED® Preparation Classes. No additional licensing is required for the provider of the adult education. The list can be found online at [http://www.azed.gov/adultedservices/files/2012/05/contactinfoabe\\_gedclasses-11415final.pdf](http://www.azed.gov/adultedservices/files/2012/05/contactinfoabe_gedclasses-11415final.pdf). The provider of the occupation skills training must be licensed if a training license is required by law.
- E. Apprenticeships are not licensed but must be registered with the Arizona Office of Apprenticeship.

### **03. Business Requirements**

- A. Training providers must have a physical and permanent Arizona mailing address. Post office boxes (P.O. Boxes or private rental mailboxes) are not considered a physical address. This requirement does not apply to third-party providers.
- B. Training providers must be a legal entity, registered to do business in Arizona.
- C. Training providers must have provided training during all of the 12 months prior to applying for the ETPL and have a proven track record of students successfully completing the programs and meeting all state performance standards specified in Section 609. Training providers that have been training in another state for more than a year, and have recently opened a new campus in Arizona do not need to train a year in Arizona to be listed on the ETPL. Registered Apprenticeships do not need to complete a year of training participants to be eligible for the ETPL.
- D. Training providers are required to have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies that indicate that no refunds will be made are not acceptable. Refund policies must be written and published so that students are aware of how to request a refund.
- E. Training providers must have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other college employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
- F. Training Providers must offer training programs that are related to:
  - 1. Occupations in demand in the state;
  - 2. Align with industry sector strategies and career pathways; and
  - 3. Job driven training programs.
- G. Training Providers must have the ability to:
  - 1. Offer programs that lead to recognized postsecondary credentials;

2. Meet the needs of local employers and participants; and
  3. Serve individuals with barriers to employment; and
  4. Serve individuals who are employed.
- H. Training providers must comply with non-discrimination and equal opportunity provisions of all federal and state applicable laws. ETPL training providers as recipients of WIOA Title I-B Funds must comply with the following laws:
1. Regulations under WIOA Section 188 of the Workforce Innovation and Opportunity Act of 2014;
  2. 29 CFR 37, Title VI of the Civil Rights Act of 1964;
  3. Age Discrimination Act of 1998;
  4. Sections 504 and 508 of the Rehabilitation Act of 1973;
  5. Title IX of the Education Amendments of 1972;
  6. Title II Subpart A of the American with Disabilities Act of 1990; and
  7. The Genetic Information Nondiscrimination Act of 2008.
- I. Training providers that have been debarred by any state or the federal government are not eligible to be included on the ETPL during the debarment period.

## **604 TECHNOLOGY-BASED LEARNING**

### **.01 Access to Training Services**

LWDAs must ensure access to training services throughout the state, including rural areas, by approving programs that use technology-based learning and meet all state and local requirements.

### **.02 Requirements**

Training providers using technology-based learning, also referred to as distance, online, web-based or computer-based learning, must meet the following requirements:

- A. Training providers offering distance learning programs must be licensed to provide training in Arizona or be included on the ETPL of a state with which Arizona has a reciprocal agreement. This does not apply to third party providers, except as specified in Section 605.C.
- B. Training providers must have a mechanism for student interaction with an instructor or instructors.
- C. Training providers must ensure periodic assessment of each student.
- D. Training providers' policy must describe the responsibilities of each party (training provider, participant) to the distance learning experience.
- E. Training providers must have a mechanism in place for tracking students' participation in the ETPL training program.
- F. Training providers must comply with any additional requirements determined by the LWDA.

#### **605 SUBCONTRACTING OF TRAINING SERVICES**

ETPL training providers may partner with third party training providers if the following conditions are met:

- A. The ETPL training provider must disclose in the program synopsis on the AJC website that the training program is offered through a partnership with a third party training provider and specify the name of the third party training provider.
- B. The ETPL training provider must ensure that third party training providers comply with all WIOA and ETPL requirements and policy and make information available during monitoring.
- C. All third party training providers must be licensed for post-secondary training by the appropriate state or federal agency, as required.
- D. Out-of-state third party training providers must be on another state's ETPL.
- E. The certificate which is received upon successful completion of the program by the participant must be issued by the ETPL training provider. It must include the name of the training provider listed on the ETPL, not the name of the third party training provider. Each program must be evaluated



individually to determine if successful completion of the program results in a recognized credential, or if additional examinations or licenses must be obtained to count as a recognized credential. For more information on recognized credentials see Section 500 Training Services.

- F. The ETPL training provider is responsible for collecting initial and continued program specific performance data and timely entry of performance data into AJC.
- G. Third party training providers must assist the ETPL training provider in collecting and submitting performance data as specified in Section 609 and 610.
- H. The ETPL training provider must provide participants and third party providers a description of the responsibilities of each party (ETPL training provider, the third party training provider and the participant(s)) related to the course.
- I. Third party training provider vetting must include verification of school's licenses, liability insurance, performance data, instructor qualification requirements, pass rates and testimonials of other schools that subcontract with the provider.
- J. ETPL training providers must make information available on the process for vetting third party training providers for review by the LWDA and the State ETPL Coordinator during monitoring activities.
- K. Training providers on the ETPL are prohibited from partnering with third party training providers who do not have a physical presence in the United States and are located overseas.

## **606 RECIPROCAL AGREEMENTS**

Arizona's ETPL is the primary list of eligible training providers and training programs to be used by the LWDA's when referring a WIOA Title I-B participant to training. The LWDA's may refer participants to programs on another state's ETPL with which Arizona has a reciprocal agreement, if a comparable training program is not available on Arizona's ETPL. Arizona has agreements with the following states:

- Nevada
- Utah
- New Mexico

- Montana

These agreements allow WIOA participants in Arizona to use the approved training providers in the states listed. Likewise, participants in the reciprocal states can enroll in programs on Arizona's ETPL.

In rare cases, where a comparable training program is not available on Arizona's ETPL or on the reciprocal states' ETPLs, WIOA participants can be referred to training programs on another state's ETPL.

## **607 PROVIDER APPLICATION**

For inclusion on Arizona's ETPL, training providers must complete an application online on the AJC website at [www.azjobconnection.gov](http://www.azjobconnection.gov). The State ETPL Coordinator will send the training provider a Training Provider Assurances (WIA - 1040A FORFF) after receiving the application.

### **.01 Application**

- A. Training providers may apply for inclusion on the Arizona ETPL at any time.
- B. Training providers must apply to the LWDA that has jurisdiction over the area where the training provider address is physically located. The training provider's geographical location dictates which LWDA will review the program for inclusion on the ETPL.
- C. LWDAs may request that a training provider's program that is located outside of the local area be evaluated for the ETPL by the LWDA that has jurisdiction. The program must be evaluated based on state and local criteria of the area that has jurisdiction.
- D. Training providers must enter one initial program on the AJC website to be evaluated. Additional programs can be entered when the training provider's user account is approved.
- E. Registered apprenticeships are identified as eligible providers and are not subject to the requirements to initial and continued eligibility requirements in this policy.
  1. In Arizona, Registered Apprenticeships remain eligible for the ETPL as long as they remain registered with the Arizona Apprenticeship

Office. Registered Apprenticeships are required to add their program on AJC, and the following information:

- a. Occupations included within the registered apprenticeships;
  - b. The name and address of the registered apprenticeship sponsor;
  - c. The name and address of the Related Technical Instruction Provider, and the location of the instruction if different from the program sponsor's address;
  - d. The method and length of instruction; and
  - e. The number of active apprentices.
2. The State ETPL Coordinator must verify that the apprenticeship is registered, and authorize the Registered Apprenticeship as an eligible training provider. The LWDA ETPL approver must verify that the required information is listed in AJC and authorize the Register Apprenticeship program at the local level.
  3. Unlike Registered Apprenticeships, pre-apprenticeship programs must be evaluated and meet criteria for initial and continued eligibility to be added and to remain on the ETPL. Pre-apprenticeship programs are not exempt from requirements in this policy.

## **.02 Training Provider Assurances**

- A. All Training providers must sign the Training Provider Assurances (WIA -1040A FORFF) to certify that their organization meets all WIOA and Arizona ETPL requirements and is in agreement to comply with all ETPL training provider responsibilities listed in this policy.
- B. The Training Provider Assurances (add form number) must be returned to the ETPL Coordinator within 14 calendar days of receiving the form from the ETPL Coordinator.

### **.03 Required Provider Documentation**

Training providers must make available the following documents upon request and during on-site monitoring visits:

- A. Current licenses from the appropriate federal, state or professional licensing authority, where applicable (not required for registered apprenticeships);
- B. Student grievance policy;
- C. The student refund policy (not required for registered apprenticeships); and
- D. Certificate of Liability Insurance naming DES as the certificate holder, and naming DES as an additional insured with a \$2 million general aggregate limit (not required for public postsecondary institutions and Registered Apprenticeships).

### **.04 Provider Approval**

The State ETPL Coordinator reviews Training Provider Applications and the Training Provider Assurances form (WIA -1040A FORFF) and will approve or deny a training provider's application. The State ETPL Coordinator will complete the following steps:

- A. Approving an AJC user account when training provider information on the application, including the Federal Employer Identification Number (FEIN) is verified.
- B. Reviewing Training Provider Assurances Form (WIA -1040A FORFF), and verifying that the form is completely filled out and signed by the Training Provider.
- C. Reviewing the training provider's application on AJC to ensure that all the requirements have been met.
- D. Prior to making a decision of the training provider's the State ETPL Coordinator will consult with LWDA ETPL Approver to verify local criteria, including sector strategies and demand for training.

## **608 TRAINING PROGRAM REVIEW**

When the provider is approved, the ETPL approver from the respective LWDA will evaluate submitted programs for inclusion on the ETPL.

There are two stages of eligibility for each training program:

- Initial eligibility (first fiscal year)
- Continued eligibility (bi-annually)

### **.01 Required Program Documentation**

The following documentation must be submitted for the initial program entered with the training provider application, and any additional programs entered after a training provider has been approved for the ETPL.

- A. The training program description must contain the following items and must be listed in the synopsis on AJC for each program submitted for review.
1. A detailed description of the training program to include course/ program objectives;
  2. Total cost of training program, including tuition, supplies, books and any fees;
  3. Name of the person to contact for information;
  4. Prerequisites and other requirements of the training programs;
  5. Website link to a detailed description of the training program;
  6. Background check requirements for licensing and background restrictions for working in the occupation;
  7. Breakdown of training program costs, unless listed in the Cost Item section of AJC.
  8. The federally recognized credential received including the following information from the Training Provider Credential Checklist ([WIA-1031A](#)); and
    - a. Name of credential;
    - b. Type of credential;

- c. Licensing agency or certifying organization;
- d. Credential Attributes (Accredited, Stackable, Portable, Industry Recognized);
- e. Any additional requirements that have to be completed to obtain the credential, including time requirements for working in the occupation prior to eligibility for examination, obtaining an occupation license from a licensing agency, or successfully completing an examination.

9. Locally recognized credentials must also be identified in the synopsis in AJC, by including language such as, "This program results in a recognized credential as identified by (name of LWDA)."

**B. Other Required Information on the Application:**

- 1. At least one occupation for which the training program prepares an individual for employment;
- 2. The estimated minimum entry wage for each identified occupation. The low wage for the related occupation as listed on O\*net Online must be used for the minimum entry level wage in AJC. O\*net Online is available at <http://www.onetonline.org/>;
- 3. The refund policy for the training program being described and/or a link to the refund policy on the training provider's website (not required for Registered Apprenticeships); and
- 4. Information that addresses alignment of the training with in-demand industry sectors and occupations, to the extent possible.

**C. Initial Performance Data**

- 1. Training providers must provide performance data as part of the initial ETPL application.
- 2. Training programs for which performance data is not available for the evaluation period may be approved by the LWDA and the State ETPL Coordinator when alternative data is submitted.

## **.02 Initial Eligibility of Programs**

Training programs are approved by the LWDA's based on state and local criteria. Each program must be evaluated individually; there is no blanket approval for all programs offered by a provider. Once a program is approved by both the LWDA and the State ETPL Coordinator, the program is eligible to provide training services to eligible WIOA Adult and Dislocated program participants. Initial eligibility criteria includes:

### **A. Credential Attainment Rate**

Training providers must enter the credential attainment rate into AJC. The credential attainment rate consists of the percentage of program participants who obtain a postsecondary credential, or secondary school diploma or its recognized equivalent, during participation or within one year after exit from the training program.

1. All students that participate in the training program or that have declared that they plan to complete the training program in the last 24 months are included in the credential attainment rate.
2. A secondary school diploma or its recognized equivalent is only counted in this measure when the participant has obtained or retained employment or is in an education or training program that leads to a postsecondary credential within one year after exiting from the training program.

### **B. Training Provider's Partnership with Business**

LWDA staff must require the training provider to supply information regarding the training provider's partnerships with business. The information may include whether the training program is offered or was designed as a result of the partnership and must also include a list of employers that have committed to hire graduates from the training program.

### **C. Program's Alignment with LWDA Business Plan**

LWDAS must determine if the training program aligns with sector strategies and career pathways as identified in the LWDA's Business Plan.

### **D. Demand for Related Occupation & Earning Information**

LWDA's must determine if the program's related occupation is in demand in the local area.

1. To determine the growth rate of the related occupation, on the following may be used: O\*Net Online, using the Wages & Employment Trends for Arizona, and/or <https://laborstats.az.gov>. O\*Net Online is available at <http://www.onetonline.org/>.
2. The minimum entry level wage for the related occupation listed in AJC must be verified by the LWDA staff using the low wage for the related occupation on O\*Net Online.
3. Other reliable sources of Labor Market Information (LMI) may be used to determine the demand for the occupation, including letters from local employers committing to hire the program graduates. The LWDA's policy must identify the reliable sources of LMI that will be used and accepted as documentation to determine an occupation is in demand in the local area.

#### F. Recognized Credentials

The program must result in a federally or locally recognized credential. For more information on federally and locally recognized credentials, see Section 500 Training Services.

#### G. Credential Checklist

The LWDA must use the [Training Program Credential Checklist \(WIA-1031A\)](#) to determine whether:

1. The program will result in a qualifying credential for WIOA Title IB performance measures/reporting outcomes as defined by the U.S. Department of Labor (USDOL); and
2. The program has the credential attributes required for ETPL approval.
3. A Training Program Credential Checklist (WIA-1031A) must be kept on file for each program approved by the LWDA.

#### H. Local Approval Criteria

In addition to the state requirements for initial eligibility, each LWDA must develop criteria for the approval of training programs. Additional LWDA eligibility criteria must be submitted to DES for approval. Criteria may include:



1. Specific demand for occupation in the LWDA;
  2. Alignment with the LWDA business plan, including alignment with sector strategies and career pathways;
  3. Credential Requirements;
  4. Program requirements, such as program costs and minimum entry wage of the related occupation; and
  5. Information that shows the program is responsive to local requirements.
- I. After program is approved by LWDA, the program is reviewed by the State ETPL for state approval to ensure the program meets requirements and all required information is listed on AJC. Once the program is approved at the state level the program is considered WIOA approved for an initial eligibility period. LWDAs must not enroll participants in the training program until the program is approved at the state level and listed on AJC as WIOA approved.
- J. ETPL Approval Process Time Limits

The time limits for initial ETPL approval include:

1. The training provider has 30 calendar days to submit a complete application, and submit all documents and forms requested by the State ETPL Coordinator. Incomplete ETPL applications will be deleted after 30 calendar days.
2. Once the application in AJC is complete, the State ETPL Coordinator must make an eligibility decision within 30 calendar days of the receipt of a complete application. During the 30 calendar days the State ETPL Coordinator may consult with the LWDA ETPL Approver, regarding local criteria, sector strategies and demand for the training.
3. Once the training provider has been approved, the training provider has 15 calendar days to supply any additional information requested by the LWDAs.

4. The LWDA must approve or deny the program within 30 calendar days of receipt of the complete application; and
5. The State ETPL Coordinator has 30 calendar days after the LWDA decision to review the program and to place the training program on the statewide ETPL, if approved.

### **03. Modification of Approved Programs**

- A. ETPL training providers must keep information current on AJC to continue to receive training referrals. Failure to enter changes to program information promptly in AJC may result in removal of the program from the ETPL.
- B. Any significant change to a program, including a change in the program's cost, will require re-evaluation for approval.

### **04 Continued Eligibility of Training Providers**

- A. The State ETPL Coordinator must review all training providers listed on the ETPL for continued eligibility biannually. Continued eligibility review of training providers includes:
  1. Ensuring access to training in rural areas, through the use of technology;
  2. Reviewing information reported to the State agencies on Federal and State training programs with WIOA Title 1B;
  3. Reviewing the degree to which the training programs are in-demand industry sectors;
  4. Encouraging providers to offer programs that lead to recognized postsecondary credentials;
  5. Assessing the ability of the provider to offer programs that lead to recognized postsecondary credentials;
  6. Reviewing the quality of training services including whether programs leads to recognized postsecondary credentials;
  7. Reviewing the ability of the training provider to provide training to individuals who are employed and individuals with barriers to employment;

8. Determining whether the training provider submitted the eligible training performance report timely and accurately (see Section 610).
9. Registered Apprenticeships are approved for the ETPL as long as they remain registered with the AZ Apprenticeship Office. During the continued eligibility review DES must verify that the apprenticeship program is still registered with the Arizona Apprenticeship Office. Registered Apprenticeship programs that are no longer interested in being listed must make a request to be removed to the DES ETPL Coordinator.

#### **.05 Continued Eligibility of Training Programs**

DES and LWDA share the responsibility of reviewing training programs for continued eligibility. The continued eligibility review procedures include:

- A. DES will review all training providers listed on the ETPL for continued eligibility.
- B. DES and LWDA must review the program eligibility of all training programs on the ETPL bi-annually. All training providers' programs on the ETPL, except for registered apprenticeship programs, must be reviewed bi-annually for continued eligibility after to December 31, 2015. The first continued eligibility review under WIOA must be completed prior to December 31, 2015. During the first continued eligibility review, training programs that do not meet WIOA standards will be removed from the ETPL. The continued eligibility review process ensures that training provider information on AJC is accurate and performance standards are met.
- C. Beginning with the calendar year 2015, the LWDA will send out notifications by August 15th of every other year to advise the ETPL training providers in the LWDA of the continued eligibility process and requirements. The notification must specify that the training provider must verify program information, edit AJC to reflect any program changes, and add performance data to AJC for the past evaluation period by September 30th of each year.
- D. The LWDA must determine if the program meets all performance standards and recommend approval or denial for subsequent eligibility. The State ETPL Coordinator will verify data and give final approval. When performance standards are not met, the LWDA shall notify the training provider in writing that the training provider and/or program(s) will be removed from the ETPL within 30 calendar days. Training participants currently enrolled in a training

program that is removed from the ETPL may complete the training program. LWDA's are required to establish procedures that can be used to verify the training program was listed on the ETPL at the time of the participant's enrollment.

## **609 ETPL PERFORMANCE MEASURES**

The WIOA program will calculate the following performance measures for all WIOA participants that participated in each training program listed on the ETPL to determine continued ETPL eligibility.

### **.01 Performance Measures for Continued Eligibility**

A. AJC will calculate data for the following performance measures for WIOA

participants in each training program for continued eligibility only.

1. The percentage of participants who received training services through the adult or dislocated worker programs who are in unsubsidized employment during the second quarter after exit the program;
2. The percentage of program participants who received training services through the adult or dislocated worker programs who are in unsubsidized employment during the fourth quarter after exit from the program;
3. The median earnings of program participants who received training services through the adult or dislocated worker who are in unsubsidized employment during the second quarter after exit from the program; and
4. The percentage of program participants who received training services through the adult or dislocated worker programs who obtain a recognized credential or a secondary school diploma or its equivalent during participation or within a year after exit. A secondary school diploma or its equivalent is only counted in this measure if the participants has retained or obtained employment or are in an education or training program leading to a recognized credential within 1 year after exit.

## **.02 ETPL Performance Standards**

- A. The following standards have been identified for training programs to continue to be included on the ETPL. LWDA's may identify additional measures and/or may propose standards that are higher.
1. Performance standards for all WIOA participants in a training program include:
    - a. The completion rate must be equal to or greater than 50 percent;
    - b. The employment rate during the second quarter after exit must be equal to or greater than 50 percent;
    - c. The employment rate during the fourth quarter after exit must be equal to 65 percent;
    - d. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program equal to or greater than the 70 percent level of the Lower Living Standard Income Level (LLSIL) for a family of one for the current year for the specific LWDA. (See [Exhibit100C, Lower Living Standard Income Levels](#)); and
    - e. The credential rate must be equal to or greater to 50 percent (if applicable).

## **.03 Evaluation Period**

The evaluation period is the last two program years, which begins July 1st and ends June 30th the second year.

## **610 ETPL PERFORMANCE REPORTS**

### **.01 Performance Data Submitted by the Training Provider**

Training providers must submit the following performance data annually for all programs listed on the ETPL. Data must include all students (WIOA and non-WIOA) who participated in each training program:

- A. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

- B. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
- C. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- D. The percentage of program participants who obtain a recognized credential or a secondary school diploma or its equivalent during participation or within a year after exit (A secondary school diploma or its equivalent is only counted in this measure if the participants has retained or obtained employment or are in an education or training program leading to a recognized credential within 1 year after exit); and
- E. The total number of individuals that successfully complete the program of study or equivalent.

**.02 Performance Measures Calculated by the WIOA Program**

- A. The total number of participants who received training services through the adult and dislocated worker program disaggregated by the type of entity that provided the training.
- B. The total number of participants who exited from training services, disaggregated by the type of entity that provided the training during and the preceding 3 program years;
- C. The average cost per participant for the participants who received training services disaggregated by the type of entity that provided the training, during the most recent program year and the past 3 program years; and
- D. The number of individuals with barriers to employment served by each of the adult and dislocated worker program disaggregated by the each subpopulation of such individuals and by race, sex, and age.

**611 DENIAL OR REMOVAL OF TRAINING PROVIDERS AND PROGRAMS**

The State ETPL Coordinator must notify the training provider when a provider application or a training program has been denied at the state level. The LWDA must notify the training provider when a training program is denied at the local level. Both the State ETPL Coordinator and the LWDA must communicate the

decision to deny an application and/or the intent to deny eligibility to the other party before taking written action.

**.01 Training Provider Application or Initial Program Denials**

- A. A training provider or program may be denied initial eligibility for the following reasons:
  - 1. The application is not complete or information was not provided in a timely manner (see 608.02.I).
  - 2. The training program does not meet the WIOA definition of training services, which is a program of one or more courses or classes or a structured regimen that leads to:
    - a. A recognized post-secondary credential, secondary school or equivalent;
    - b. Employment, or
    - c. A measurable skill gain toward such a credential or employment.
  - 3. The training program does not result in a federally or locally recognized credential.
  - 4. Performance data is not included with the application or does not meet the minimum performance measures.
  - 5. The training program does not support the occupations in demand within LWDA.
  - 6. The training provider is not in compliance with the WIOA, regulations, or any agreement executed under the WIOA.
  - 7. DES or the LWDA determines that the training provider intentionally supplied inaccurate information.
- B. When a training provider or program is denied for any reason other than lack of documentation or information, the training provider must wait six months to reapply.

## **.02 Training Provider/Program Removals from the ETPL**

- A. A training program may be removed from the ETPL for the following reasons:
1. DES or the LWDA determines that the training provider supplied inaccurate information.
  2. The training program no longer meets the WIOA definition of occupational skills training.
  3. The program does not meet minimum performance standards. If no WIOA training participants have participated in the training program during the past year, performance data will not be available to review for continued eligibility. The LWDA ETPL must review the demand for the related occupation and make note in AJC that the related occupation is still in demand in the local area, if the LWDA decides to keep the program on the ETPL for another year. If no participants have been enrolled in the training program for more than two years, the training program must be removed from the ETPL.
- B. A training provider must be removed from the ETPL for the following reasons:
1. All of a training provider's programs have been removed.
  2. The training provider has not maintained required licenses and liability insurance or is found to be noncompliant with the training providers' assurances.
  3. The training provider is not in compliance with the WIOA regulations, or any agreement executed under the WIOA.
  4. The training provider is found knowingly to make false claims to prospective participants about costs or WIOA eligibility.
- C. LWDA's that have proposed higher performance standards may remove programs that have not met requirements. LWDA must describe their policy for removal of programs in the local ETPL policy.



- D. When a training provider or program is removed, the training provider must wait six months to reapply to be an eligible training provider or to have the program re-evaluated for ETPL approval.

## **612 MONITORING OF TRAINING PROVIDERS**

DES and LWDA's share the responsibility of monitoring training providers listed on the ETPL. Monitoring responsibilities include:

- DES must monitor training providers statewide. State level monitoring includes compliance with items listed on the [Training Provider Assurances \(WIA-1040A\)](#), including verification of licenses, accreditations and current certificates of liability insurance.
- The DES Apprenticeship Office will monitor apprenticeship programs listed on the ETPL.
- The State ETPL Coordinator must monitor the LWDA's for ETPL policy compliance.
- LWDA's must monitor approved training providers at least every two years. Monitoring includes verification of the accuracy of information published in AJC and compliance with local and state ETPL policy.
- Training programs must be monitored at a minimum every two years.

## **613 TRACKING OF TRAINING PARTICIPANTS COMPLAINTS**

Each LWDA must develop a process for tracking participant complaints related to ETPL training providers. At the discretion of the LWDA, these records can be used in determining continued eligibility. All complaints related to ETPL must be forwarded to DES.

## **614 ENFORCEMENT OF WIOA PROVISIONS**

Training providers who are found to intentionally supply inaccurate information must:

- A. Be terminated from the ETPL for a period not less than two years; and
- B. Repay funds received under the Title I of WIOA, from the date enactment or during the period of violation.

- C. Terminations from the ETPL and repayment of WIOA funds supplement other civil and criminal remedies;
- D. DES will make the determination that a training providing has violated a provision of WIOA, including intentionally supplying inaccurate information, after reviewing LWDA recommendations and conducting a fact finding review.

## **615 ETPL APPEALS**

Training providers have a right to appeal any DES or LWDA decision or action that has as an adverse effect on the organization. An adverse action resulting from a uniform change in federal or state law is not appealable unless the law was misapplied to the person or entity seeking the hearing. Appeals regarding the eligibility of a training provider are to be filed with DES. All other appeals are filed with the LWDA regardless of which entity denied eligibility.

A notice to deny eligibility for the ETPL must clearly state that the training provider has a right to appeal within 30 calendar days from the date on the denial notice.

### **.01 Requests for Appeal**

Training providers must request an appeal within 30 calendar days of the decision. The request for an appeal request must include:

- A. The name, address, and telephone number of the training provider;
- B. A description of the adverse action;
- C. The date on the notice of the adverse action; and
- D. A statement explaining why the training provider disagrees with the adverse action.

### **.02 Local Level Appeal Process**

LWDAs must develop a written appeal policy for training provider complaints that includes an informal resolution process and an opportunity for a hearing.

- A. An informal resolution process includes:

1. A fact finding investigation; and
2. A 10 calendar day time limit for the LWDA Director or Designee to respond to the training provider in a written response.

#### B. Local Area Hearing Requirements

If the training provider and the LWDA do not resolve the appeal informally, a hearing must be held at the local level. LWDA appeal policy must require that the LWDA:

1. Hold a hearing within 30 calendar days after the filing of the complaint.
2. Provide the training provider at least 10 calendar day notice of the hearing. The hearing notice must include:
  - a. The date, time and place of the hearing;
  - b. A statement of the complaint;
  - c. The name, address, and telephone number of the contact person issuing the notice;
  - d. A statement of hearing procedures; and
  - e. Relevant documents, including those submitted by the training provider.
3. Issue a written decision to the parties within 60 calendar days of the filing of the complaint. The decision must include:
  - a. The names of the parties;
  - b. A statement of the alleged violation or violations;
  - c. A statement of facts;
  - d. A statement of decisions and reason for the decision;
  - e. A statement of corrective actions or remedies, if any to be taken; and
  - f. A notice of the right to appeal and instruction on how to appeal at the state level.

#### **.04 DES Level Appeal Process**

- A. Training providers may appeal to the state level a:
  - 1. Decision of an LWDA Director or designee issued in a local level appeal;
  - 2. Decision made by the DES WIOA Section regarding the eligibility of a training provider to be listed on the ETPL; and
  - 3. Failure of the LWDA Director or Designee to reach a decision within 60 calendar days of the filing of the complaint.
  
- B. If a complaint is submitted to DES, but the complaint could be heard by the LWDA without compromising the opportunity for a fair hearing, DES may remand the matter to the LWDA Director or designee for a hearing under the LWDA's appeal process.
  
- C. The training provider must make a written appeal to DES within 30 calendar days of the date on the notice or letter advising of adverse action or within 30 calendar days of the 60 calendar day expiration of filing of the complaint with the LWDA.
  
- D. The training provider must include the following information in a request for a hearing at the state level:
  - 1. Name, address, and telephone number of the training provider;
  - 2. A description of the adverse action that is subject of the appeal;
  - 3. The date of the notice of adverse action; and either
    - a. A statement explaining why the training provider disagrees with the adverse action; or
    - b. The date the appellant filed the complaint with the LWDA in the event the LWDA did not rule within 60 calendar days from filing the complaint with the LWDA.

## **.05 DES Informal Resolution Process**

- A. DES must conduct a fact finding investigation which includes:
1. Conducting interviews;
  2. Reviewing LWDA's written decision;
  3. Reviewing DES ETPL policy and the LWDA local policies, for policy compliance;
  4. Reviewing all information submitted by the LWDA and the training provider.
  5. The WIOA Section Manager must make a full faith effort to resolve the issue informally; and
  6. The WIOA Section Manager must respond to the training provider and LWDA in a written response, which includes a statement of corrective actions or remedies, if any to be taken within 10 calendar days.

## **.06 DES Formal Appeal Process**

All state level appeals that are not resolved using the informal resolution process must be heard by the DES Office of Appeals.

- A. If an informal resolution at the state level is not obtained within 10 calendar days of the training provider filing of the state level appeal, DES WIOA Section must forward the training provider's appeal and all relevant information to DES Office of Appeals within 2 calendar days.
- B. DES Office of Appeals will schedule the hearing and notify the training providers of the hearing details.

## **616 OUTREACH TO POTENTIAL TRAINING PROVIDERS**

### **.01 Recruitment of Training Providers**

LWDAs must use outreach activities to recruit training providers with programs that are in demand in the LWDA, are aligned with the LWDA's strategic business plans and selected sector strategies, and will support performance goals for the LWDA. Outreach responsibilities include:

- A. Working with businesses and training providers to ensure training providers are offering high quality programs that federally-recognized and locally-recognized credentials, employment, or measurable skill gains that lead toward such credential or employment.
- B. Coordinating with other LWDAs to develop an inclusive, but not duplicative, process for soliciting training provider applications.

### **.02 Training Provider Recruitment of Potential Students**

LWDAs must ensure that training providers do not:

- A. Tell students that they will be eligible for training services or WIOA funds to attend the training;
- B. Promote the training program as free through the local area One-Stop Center; or
- C. Claim that a share of costs is covered by an LWDA.