

<u>MESA COUNTY WORKFORCE DEVELOPMENT BOARD</u>	
Policy and Procedure	
Title: Eligible Training Providers Policy	State Policy Guidance Letter: WIOA-2015-06
Program: Career Development Program (WIOA)	Effective Date: 9/6/2016 Revision Date: 5/19/2017
Authorized Signature(s):	

I. REFERENCE(S):

- Workforce Innovation and Opportunity Act (WIOA) of 2014, Sections 122 and 134.
- WIOA Department of Labor-Only Final Rule (81 FR 56072, Aug. 19, 2016).
- Code of Federal Regulations (CFR) Part 29, Labor Standards For The Registration Of Apprenticeship Programs.
- TEGL 41-14, Change 1, Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition
- TEGL 15-10, Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System.
- Colorado Policy Guidance Letter (PGL) WIOA-2015-09, Individual Training Accounts for WIOA Title I Adult and Dislocated Worker Programs.
- National Council for State Authorization Reciprocity Agreements.

II. PURPOSE:

To provide new information, criteria, and procedures to implement the Eligible Training Provider requirements for the Workforce Innovation and Opportunity Act of 2014.

III. POLICY/ACTION:

A. Definitions:

Eligible Training Provider: is a provider of training services who has met the eligibility requirements to receive WIOA Title I Adult and Dislocated Worker funds to provide a program of training services to eligible individuals. An eligible training provider is the only type of entity that receives funding for training services through an Individual Training Account (ITA). Eligible training providers may also receive Title I Youth funds through ITAs under certain conditions, see Section

Program of training services: is defined as one or more courses or classes, or a structured regimen, which lead to:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State of Colorado or the Federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent;
3. Employment; or
4. Measurable skill gains toward a credential described in (1) or (2), or employment.

Pre-apprenticeship: is a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship program(s).

Program completer: is a participant who meets all requirements of the training program.

Program exiter: is a participant who left the program during the previous twelve month period for any reason (including completers).

Postsecondary education: is education offered beyond high school.

B. Training Providers Subject to Eligible Training Provider List (ETPL) Requirements:

The following types of training providers are subject to the ETPL requirements in order to receive WIOA Title I Adult and Dislocated Worker funds to provide training services to eligible adult and dislocated worker individuals through ITAs. ITAs are also allowable for WIOA Title I Youth funds to provide training to out-of-school youth (ages 16-24). Out-of-school youth may utilize the ETPL and/or eligible youth providers to enhance their individual choices for training.

1. Institutions of higher education that provide a program of training that leads to a recognized postsecondary credential;
2. Apprenticeship programs registered by the USDOL Office of Registered Apprenticeship (subject to the specific exceptions in Section I.);
3. Public or private training providers, including community-based organizations, joint labor management organizations, pre-apprenticeship programs, and occupational/technical training; and
4. Providers of adult education and literacy activities if such activities are provided concurrently or in combination with other training services.

C. Initial Eligibility and Application Process:

New training providers may submit an application through the new website <http://www.ColoradoETPL.org> for initial program eligibility, which can be granted for one full fiscal year (October 1 – September 30). Training providers may apply for initial program eligibility on a rolling basis throughout the year. For example, a training provider that applies for initial program eligibility in August 2016 will have until September 30, 2017 to apply for continued program eligibility with no gap in eligibility.

All applications for the ETPL will be completed online. Training providers can apply for a program's inclusion on the ETPL in one or more local areas in Colorado with a single application. The specific local areas that are covered must be marked on the application, and performance data for all local areas must be provided (with the exception of Registered Apprenticeship programs).

1. The first step in the online application process for training providers will be verifying that the training provider is licensed, certified, or authorized by the Colorado Department of Higher Education, or the relevant state agency with oversight, to operate training programs in Colorado.
 - a. If a provider is in compliance with the oversight agency, the provider can proceed to the next step in the application process.
 - b. If a program is not in compliance with the oversight agency as required by state law, the provider will not be able to apply for inclusion on the ETPL until they meet the necessary requirements.
 - c. Degree-granting postsecondary institutions located outside Colorado that offer distance education may be authorized to operate programs in Colorado through the State Authorization Reciprocity Agreement (SARA) if the institution is approved by SARA in their home state. Colorado residents may use ITAs to physically attend training programs in other states if the program is on Colorado's ETPL and a reciprocal agreement is established between CDLE and the other state agency responsible for the ETPL. Currently, Colorado does not have any reciprocal agreements with other state agencies other than SARA.

2. Training providers applying for initial program eligibility must provide the following through the online application:
 - a. A description of each program of training services to be offered;
 - b. Information on cost of attendance, including costs of tuition and fees;
 - c. Whether the training program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;
 - d. Whether the provider has developed the training in partnership with one or more businesses (and the names of the businesses);
 - e. Which in-demand industry sectors and occupations best fit with the training program;
 - f. A description of the prerequisites or skills and knowledge required prior to the commencement of training; and
 - g. Social security numbers for all students residing in Colorado, regardless of funding source.

Social security numbers must be provided for all students in Colorado for the previous two calendar years, with the exception of apprenticeship programs. Training providers that have not been in existence for at least two years will be required to provide student data only for the time period available. If the training provider has not previously collected social security numbers, this will be required going forward for eligibility. The online application system will provide a secure means to transmit this information.

Once the online application is submitted and the state has determined that the required information has been provided, the state will automatically notify each local workforce area to approve, deny, or request further information on each training program. The

Career Development Program (WIOA) has up to 30 days from the receipt of a complete application to take action. To ensure that this is handled in a timely manner, the designated MIS/Team Lead for the Career Development Program (WIOA) will have the authority to approve complete applications.

Registered apprenticeship programs are automatically eligible for the ETPL if they choose to be included and are not subject to the eligibility criteria or application requirements. When a registered apprenticeship program submits an online application, the state will verify the registered apprenticeship program number and the program will be automatically approved statewide. While registered apprenticeship programs are automatically eligible, not all registered apprenticeship sponsors may wish to be included on the list. Registered apprenticeship programs will automatically be included on the State list until they lose their registration or they indicate they do not wish to be included. Registered apprenticeship programs shall not be subject to additional local criteria and will be automatically approved for any local area where they operate.

D. Additional Eligibility Criteria for Mesa County Workforce Area:

Training providers will be approved to the ETPL based on their alignment with in demand occupations within Mesa County. Demand will be determined utilizing the EMSI, Labor Market Index (LMI), and Local Supply Demand Reports. Registered apprenticeship programs will not be subject to additional local criteria and will be automatically approved for Mesa County.

E. Continued Eligibility:

After the initial eligibility period of one full fiscal year, training providers must submit online applications through the website for continued program eligibility every two years. Registered apprenticeship programs will be verified through a separate process with the Office of Apprenticeship State Director. Applications for continued eligibility must be submitted online by October 1st for the year in which eligibility expires. For example, if a program's initial eligibility expires October 1, 2017, the training provider must apply for continued eligibility by October 1, 2017 and the continued eligibility will expire in two years on October 1, 2019. The continued eligibility application is required for any program that has previously been on the list. Dropping off the list for a period of time does not return a program to an initial eligibility status.

Applications for continued eligibility must show the training program is still authorized by the appropriate oversight agency to operate in Colorado and must include the following (in addition to updating the information provided for initial eligibility):

1. The total number of participants enrolled in the program;
2. The total number of participants completing the program;
3. The total number of participants exiting the program;
4. Information on recognized post-secondary credentials received by program participants;
5. Information on the program completion rate for such participants;
6. Description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology;

7. Description of how the providers provide training services to individuals who are employed and/or individuals with barriers to employment;
8. Information reported to State agencies on Federal and State training programs other than programs within WIOA title I-B; and
9. Social security numbers for all participants in Colorado for the two previous years, regardless of funding source, will be used to calculate the performance measures. Registered apprenticeship programs are not subject to this requirement.

If a training provider demonstrates that providing this required information is unduly burdensome or costly, and CDLE concurs that the provider has demonstrated extraordinary costs or undue burden, the provider may request technical assistance from CDLE to assist them in collecting and supplying the required information. Requests should be submitted in writing via email to (Mark.Duey@state.co.us).

F. Roles and Responsibilities:

1. Colorado Department of Labor and Employment (CDLE):

CDLE is responsible for:

- a. Establishing requirements for the ETPL system;
- b. Establishing eligibility criteria, information requirements, and procedures for training providers;
- c. Developing an approval process for training providers that have met minimum eligibility criteria by Local Workforce Boards; and
- d. Taking appropriate enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA.

2. Colorado Department of Higher Education (CDHE):

CDHE is responsible for:

- a. Hosting the ETPL through a web-based platform;
- b. Disseminating the State list, accompanied by performance and cost information for each program, to the public and the Local Workforce Boards throughout the State in formats accessible to individuals with disabilities;
- c. Establishing the web application and tracking system for use by training providers, Local Workforce Boards, and CDLE;
- d. Receiving and reviewing training provider applications for minimum eligibility criteria and performance requirements;
- e. Posting locally-approved training programs to the State list in a timely manner; and
- f. Removing programs that do not meet required criteria or performance requirements.

4. USDOL Apprenticeship Staff State:

apprenticeship staff is responsible for:

- a. Providing a list of registered apprenticeship programs in Colorado;
- b. Communicating the ETPL opportunity to registered apprenticeship programs in Colorado;
- c. Notifying CDLE when a new program becomes registered or when a program loses

- registration status in the state;
- d. Making recommendations about the inclusion of national registered apprenticeship programs on Colorado’s ETPL; and
- e. Verify the registration status of currently registered apprenticeship programs every two years, at a minimum, for continued eligibility.

3. Mesa County Workforce Development Board:

The Workforce Development Board is responsible for:

- a. Establishing this local policy.
- b. Following local procedures to review training program applications and to apply additional local criteria, if applicable, within 30 days of the receipt of a complete application from the state;
- c. Communicating to CDLE if there are insufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities, serving the local area;
- d. Ensuring the distribution and use of the ETPL in the Career Development Program (WIOA) in formats accessible to individuals with disabilities and providing information to the customer to make an informed choice;
- e. Notifying CDLE and CDHE when they wish to remove an eligible training provider from the list (see Section I. Conditions for Removal); and
- f. Following the appeal process for training providers rejected as an Eligible Training Provider or later removed for cause.

G. Performance Requirements:

The performance information required is outlined in Attachment 1. With the exception of registered apprenticeship programs, social security numbers must be provided for all students in Colorado (who participated in the programs intended for the ETPL) for the previous two **calendar** years (October 1 – September 30). The online application system will provide a secure means to transmit the data file. Training providers that have not been in existence for at least two years will be required to provide student data for the time period available. Social security numbers for all Colorado students will continue to be required going forward and will be used to calculate the performance measures. Available performance information will be published online for each training provider on the ETPL. Programs with less than 10 students enrolled during a fiscal year will not be included in performance data to maintain confidentiality of the individual participants.

H. Exceptions to the ITA and the ETPL Requirements:

There are several exceptions to the required use of an ITA for training. In situations covered by these exceptions, a contract for services may be used to provide for training in lieu of the ETPL process.

- 1. On-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience, and transitional employment are not included in the eligible training provider list and therefore are not subject to the eligibility requirements.

2. Where the Mesa County Workforce Development Board determines there are an insufficient number of eligible providers in the local area to accomplish the purpose of an Individual Training Account (ITA). The local plan and local policy must describe how this determination was made, including a public comment period for interested providers of at least 30 days, and the process used for contracting for services.

3. If the Mesa County Workforce Development Board determines that a community-based organization (CBO) or nonprofit whose primary mission is to serve individuals with barriers to employment provides effective training services. The Mesa County Workforce Development Board will develop criteria in local policy to determine that the program is effective.

4. Training for multiple individuals in in-demand industry sectors or occupations, as long as the contract does not limit the individual's consumer choice.

I. Conditions for Removal:

The state may remove a program or programs from the list for failing to meet the established criteria or performance levels in this policy, or for not providing all required performance information for subsequent eligibility. Programs that fail to provide performance information for subsequent eligibility will be removed from the list until they provide all the required information. Removal is also appropriate if the program has failed to attain or lost the accreditation required for professional licensure.

The state must remove from the eligibility list any providers, including registered apprenticeship programs, that willfully supply false performance information, misrepresent costs or services, or that substantially violate requirements of WIOA law or regulations. Providers deemed ineligible will be removed from the list for a period of not less than 2 years. Providers are liable to repay all adult and dislocated worker funds received during the period of non-compliance.

No training provider debarred by the Federal Government may be permitted to be placed or remain on the ETPL.

In the case of a training provider or a program of training services that is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency. If a program has lost licensing, certification, or authorization to operate, the Career Development Program will identify alternative solutions for participants that align with their individual training plans.

J. Appeal Process:

Training providers can choose to appeal the rejection of their program for inclusion in the ETPL through writing to the Career Development Program. The program manager, program director, and Mesa County Workforce Center director will convene a meeting and make a decision within 30 days of appeal.

A training provider can choose to appeal the local decision of rejection or termination of eligibility with the Colorado Department of Labor and Employment (CDLE). For any appeal by a training provider, an appeal must be submitted in writing via email to (Mark.Duey@state.co.us) within 14 days after notification of the decision. The appeal must include the justification for the appeal in their request. The training provider also has the right to request a hearing to discuss their appeal.

An ETPL appeals board will be assembled consisting of a representative of CDHE management, a representative of CDLE management, and the local workforce area director. The appeals board will schedule a hearing if requested and make a decision within 60 days of appeal. This will be a final decision and the program will be unable to reapply through the ETPL eligibility process for one year from the date of final notification by the ETPL appeals board.

REQUIRED PERFORMANCE DATA

The following information is required for all applications for continued eligibility, with the exception of Registered Apprenticeship programs. Performance outcomes will be calculated based on the Social Security Numbers provided for each program, which will be matched to state wage data:

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program
2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
4. The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program