

WIOA POLICY Calcasieu Parish Consortium Workforce Development Board LWDA #51 Allen, Beauregard, Calcasieu, Cameron, Jeff Davis, & Vernon Parishes		Workforce Innovation & Opportunity Act Eligible Training Providers Approval Policy and Procedures 	
TR 13	Training Related Policy	Approved :	
Rescissions:		Expiration Date: <i>Continuous, until further notice</i>	
WDB Chair Signature:		WDB Directors Signature:	

Purpose:

This policy establishes the requirements for attaining status as an Eligible Training Provider (ETP) and outlines the process that providers of education and training services must follow to request initial and subsequent eligibility. The Eligible Training Provider List is a list of providers and their training programs and/or services that qualify for WIOA (Workforce Innovation Opportunity Act) funding eligibility. Only providers' programs, courses, or classes that meet specific criteria and requirements are listed on Louisiana's ETPL (Eligible Training Provider List). The ETPL Policy and Procedures provides goals and Louisiana's Workforce Investment Strategies.

Requirements used to determine the eligibility of training/education providers and their programs are found in the Workforce Innovation and Opportunity Act of 2014, the USDOL's training and Employment Guidance Letters, Louisiana State Law, and Louisiana Workforce Commission's Office of Workforce Development. The Eligible Training Provider List is used by training-eligible WIOA participants to select appropriate programs for which to utilize their Workforce Innovation and Opportunity Act (WIOA) Title I-B funds. ITAs (Individual Training Accounts) are used to pay tuition and other education-related costs. WIOA ITA funds can only be spent on programs that are listed as WIOA-Approved on the Eligible Training Provider List (ETPL). **LWDA #51 will only provide financial assistance to applicants enrolled in approved ETP curriculums.**

Background:

WIOA is a bipartisan, bicameral legislation that will improve our nation's workforce development system and help put Americans back to work. Now more than ever, effective education and workforce development opportunities are critical to a stronger middle class. We need a system that prepares workers for the 21st century workforce, while helping businesses find the skilled employees they need to compete and create jobs in America.

WIOA participants use performance information supplied by providers to select a program that best meets their needs. WIOA participants receive guidance from career consultants on how to use the ETPL to compare training programs by cost, credential to be attained, rates of completion and employment and earnings outcomes.

Training Provider Eligibility Requirements:

Training Programs Required to Apply for the ETPL for WIOA

A program of training services consists of one or more courses or classes, or a structured regimen that leads to the following specified outcomes:

1. Recognized postsecondary credentials, secondary school diplomas or their equivalent,
2. Employment, or
3. Measurable skill gains toward such credentials or employment.

A program of service may be delivered in-person, online or in a blended approach. Selection of a program of training services must be directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate.

Training Providers that Qualify for the ETPL

The following types of training providers may apply to qualify for the statewide ETPL:

1. Post-Secondary educational programs that are:
 - a. Eligible to receive funds under Title IV of the Higher Education Act of 1965, and
 - b. Provide a program that leads to an Associate Degree, Baccalaureate degree or Certificate.
2. Public and Private providers of a program of training services, which may include joint labor- management organizations and eligible providers of adult education and literacy activities under WIOA Title II if such activities are provided in combination with occupational skills training.
3. Entities that carry out programs under the National Apprenticeship Act of 1937. These include:
 - a. Universities, colleges, some community colleges, some vocational-technical colleges, some proprietary schools, and
 - b. Apprenticeship programs registered with the Office of Apprenticeship and the State's Apprenticeship office.
4. A Local WDB, if it meets the conditions of WIOA sec. 107(g)(1).
5. Community Based Organization, provided it meets the requirements to become eligible training providers under WIOA sec. 122 and the implementing regulations.

Under WIOA, Title I, Registered Apprenticeship program sponsors are automatically eligible for placement on the state approved ETP list and will remain on the list as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list. However, registered apprenticeship programs are given an opportunity to consent to inclusion on the ETPL before being placed on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial or continued eligibility as other providers. In addition, LWDBs cannot establish additional criteria and information requirements or establish higher levels of performance for these entities to provide training services in the local areas.

“Proprietary schools” must be licensed or determined exempt from licensure through the Louisiana Board of Regents. A proprietary school, as defined by La. R.S. 17:3141.2, means any business enterprise operated for a profit or on a nonprofit basis which maintains a place of business within this state, or which sells or offers for sale any course of instruction in this state, either by correspondence using the mails or by any other means of communication, or by personal solicitation, and which offers or maintains a course

or courses of instruction or study, or at which place of business such a course or courses of instruction or study is available through classroom or internet instruction, or both, to a person or persons for the purpose of training or preparing such person for a field of endeavor in a business, trade, technical, or industrial occupation, except as otherwise provided by law.

A new proprietary school must provide a copy of its license to LWC. If a proprietary school has been determined exempt from licensure by the Board of Regents, a copy of the exempt letter must be provided to LWC. Receiving an exemption from a Board of Regents License does not give a provider full exemption from ETP requirements. Proprietary schools must provide an updated determination of exemption every year commencing from the date of the issuance of the original letter from the Board of Regents.

If a proprietary school adds a program(s) to its list of offerings and applies for WIOA ETPL program eligibility for the new program, the school is subject to redetermination of licensure status by the Board of Regents. Documentation must be provided to LWC that validates continued exemption, or if required by the Board of Regents to be licensed, a copy of the license.

Reciprocity

Any training provider located outside of the state and recognized on another states' ETPL may apply under the reciprocity provision. An application should be submitted electronically and include proof of inclusion on another state(s) ETPL. An application being made under reciprocity is not required to complete the full application since they have done so in other state(s). However, applicants should clearly identify which programs of study and corresponding occupations for which they are making an application. Submit via email to EHatfield@lwc.la.gov and copy ktaylor-white@lwc.la.gov.

Registered Apprenticeship

In addition, Registered Apprenticeship programs located inside or outside of the state that are registered with the USDOL Office of Apprenticeship and wish to be included on Louisiana's ETPL will be granted automatic inclusion if a request is made to the Registered Apprenticeship Division in Louisiana.

Initial Eligibility Requirements:

Initial Eligibility Requirements for ETPL Programs

- Offered to the general public
- Leads to a WIOA acceptable credential
- Total duration is 20 hours or more
- Leads to an in-demand occupation in accordance to State Labor Market Information
- Industry or job specific
- Licensed to provide training services

ETPL Established Provider with a New Program

- A school that had at least one eligible program on the State's ETPL during the enactment period of WIA or during the transition period of WIOA, which ended on

December 31, 2015, will be considered for eligibility without regard to performance if all other initial eligibility criteria have been met.

New Provider with No History on the ETPL

- If the school can submit the required student data to calculate performance outcomes required under continued eligibility, it shall be reviewed by the state. Such outcomes will not be considered for initial eligibility if all other requirements have been met.
- Registered Apprenticeship programs shall automatically be included on the State's ETPL after completing the on-line application without regard to performance.

Continued Eligibility Policy:

Eligible Training Providers that want to remain on the ETPL for subsequent program years must meet the state of Louisiana's subsequent eligibility requirements, as authorized by Section 122 of the WIOA and defined by LWC's Office of Workforce Development. These policies have been implemented to determine if the Eligible Training Provider is:

- Still offering the program
- Wishes to continue the program's eligibility and receive WIOA Title I-B funds
 - Providing accurate program cost information
 - Meeting Louisiana's minimum performance standards
 - Maintaining accurate consumer information in the HiRE System; and
 - Providing the most recent program performance data.

Continued Eligibility Requirements

The following information is required for a continued eligibility determination:

- A completed online application
- Performance reports for the past two years, as applicable (See Chapter 7)
- Certification that the following have not changed from previous years: the provider's refund, equal employment opportunity and accessibility policies; and the class schedule. If changes have been made, new copies of the aforementioned shall be provided
- Any additional information requested by the State.

A continued eligibility determination will be made for each training provider on a program-by-program basis and be based on the following criteria:

- A training provider's prior eligibility status or status of existing programs.
- The performance of training providers on the performance accountability measures relating to the State Plan and the training provider's individual performance measures established by the State.
- The availability of training services throughout the State.
- Information reported to State Agencies with respect to Federal and State programs involving training services, including the adult education and vocational rehabilitation programs.

- The degree to which the program relates to in-demand industry sectors and occupations in the State.
- Compliance with State licensing requirements, where applicable.
- The ability of the training provider to offer quality programs that lead to postsecondary credentials.
- The ability of the training provider to provide training services to individuals who are unemployed, underemployed, incumbent workers and individuals with barriers to employment.
- Demonstrated ability of the training provider to submit timely and accurate performance reports.
- Continued compliance with State labor laws such as workers' compensation, unemployment insurance, wage and hour, and nondiscrimination.
- A training provider's ability to meet the State Plan's performance measures as required by the U.S. Department of Labor.

Continued eligibility approval is good for two calendar years. However, schools are strongly encouraged to maintain changes regarding programs throughout the eligibility period, specifically but not limited to the cost associated with the program.

State Minimum Performance Standards:

Program Minimum Performance Requirements

The Current State Minimum Performance Standards implemented by LWC's Office of Workforce Development in accordance with the requirements stipulated by Section 116 of the WIOA for eligible training provider programs inclusion to the state's ETPL for all are:

All Program Participants

1. **Credential Attainment Rate (state minimum performance level: 25%)**
The percentage of those participants enrolled in an education or training program who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.
2. **Employment Rate 2nd Quarter after Exit (state minimum performance level: 40%)** The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.
3. **Employment Rate 4th Quarter after Exit (state minimum performance level: 45%)** The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.
4. **Median Earnings – 2nd Quarter After Exit (The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program).**

WIOA Title I-B

5. **Credential Attainment Rate (state minimum performance level: 25%)**
The percentage of those participants enrolled in an education or training program who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.
6. **Employment Rate 2nd Quarter after Exit (state minimum performance level: 25%)**
The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.
7. **Employment Rate 4th Quarter after Exit (state minimum performance level: 25%)**
The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.
8. **Median Earnings – 2nd Quarter After Exit (state minimum performance level: \$2,000 per quarter)**
The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

Program Denial Process:

When the State determines that a complete application does not meet the eligibility requirements, the State shall issue a determination denying (denial notice) the application within 30 days of its receipt. A separate denial notice is required for each training program being denied.

Denial notices shall be issued to the training provider via email, if provided on the application. If no email provided, denial notices shall be mailed to the primary address listed on the application. The denial notice shall also clearly state that the training provider's right to appeal within 15 days of the date the denial notice is received.

Reasons for Program Denial

A training provider's program may be denied inclusion on the state's ETPL for the following reasons:

- Program is not offered to the general public;
- Program does not lead to a WIOA acceptable credential
- Program did not have a total duration of 20 hours or more
- Program does lead to an in-demand occupation
- Program is not industry or job specific
- Program is designed to provide participants with short-term skill upgrade assistance to enable them to become job ready or advance up a career ladder
- Program did not meet performance measures (Continued Eligibility Only)

Proprietary Schools:

- Program did not have an up-to-date Board of Regents License or Exemption letter uploaded with Provider Profile Documents.
NOTE: An Exemption from Board of Regents does not give a Provider full exemption from ETP Requirements.

Continued Eligibility:

- Did not provide Student Data for Calendar Year 2021
- Did not provide required Student Data Forms:
- Did not provide Student Data Certification Statement
- Did not provide Student Data Awareness Form
- Did not meet the State's minimum performance measures

Out-of-State:

- Did not include documentation of inclusion on home state(s) ETPL.

Reasons for Removal from the State's Eligible Training Provider List:

LWC is responsible for removing training providers/programs from the statewide eligible training provider/program list under the following conditions upon receipt of documented proof that these conditions exist:

- The training provider intentionally supplied inaccurate information; in which case, the termination will remain in effect for a minimum of two years.
- The training provider substantially violated any requirement under WIOA or state policy; in which case, the termination will remain in effect for a minimum of two years.
- If a Registered Apprenticeship program is de-registered, it shall be removed from the ETPL. Information on any de-registered program will be provided by the State Director of Apprenticeship.

Status of Students Attending Programs No Longer on the ETPL:

Students already enrolled in provider program(s) are permitted to continue even though the program may no longer be on the state's Eligible Training Provider List (ETPL). This is an acceptable use of WIOA dollars since the participant(s) could be adversely impacted if they are not allowed to continue and without other alternative programs, the money initially spent would be wasted. Additionally, because of the travel and transportation problems, participants might not find other programs in the same field available on the current ETPL.

This provision does not apply to programs/institutions removed from the ETPL due to violations of the WIOA law and regulations. This provision does not apply to students who have been issued an ITA by the WIOA program operator under the

prior year's ETPL but have never been enrolled and attended the program in the previous session. The LWDA should assist these students in identifying alternative training provider programs on the ETPL.

Supplemental Data Provision:

If a training program fails to meet the required minimum level of performance for employment, the training provider shall have the opportunity to provide verifiable documentation regarding the employment status of students who exited the program. Employment documentation must be for the second calendar quarter immediately following the quarter in which the student exited the program and the fourth calendar quarter following the quarter in which the student exited the program. Providers may only provide supplemental data for the employment measure. No supplemental data is allowed for completion credential attainment rate or median earnings second quarter after exit.

Verifiable documentation includes the following:

Tax documents, payroll records and employer records such as:

- Copies of quarterly tax payment forms submitted to the Internal Revenue Service, such as Form 941 (Employer's Quarterly Tax Return)
- Copies of pay stubs (minimum of two pay stubs), or
- Signed letter or other information from employer on company letterhead attesting to an individual's employment status and earnings

Supplemental Data Submission Process:

After LWC initially processes "student data" required for the calculation of the performance measures, the application with the required performance measures shall be reviewed by the State.

Upon determination that the program meets the minimum credential rate and median earnings rate but does not meet the employment rate for the second or fourth quarter after program exit, LWC will send to the training provider the Social Security numbers of those students who could not be found as employed through the Unemployment Insurance Wage record data.

The training provider will provide the employment status documentation (acceptable documentation is listed above) directly to the LWC. Upon verification of the documentation, LWC will include the data in the performance calculations. A copy of the employment documentation must be sent to LWC - Office of Workforce Development, Attn: MIS.

Appeals Process for Denied Provider Programs:

Following issuance by LWC of a denial of eligibility, determination of suspension, or termination of eligibility, the training provider shall have 15 days in which to submit an appeal to LWC. The appeal form can be located at <http://www2.laworks.net/Downloads/WFD/ETPLAppealsRequestForm.pdf>. The request for appeal must be sent by certified mail, return receipt requested, to the following address:

Louisiana Workforce
Commission Office of
Workforce Development
Attn: Director
P.O. Box 94094
Baton Rouge, LA
70804

The request must include the name of the contact person and the address where official notices are to be mailed. The appeal request must be legible, written/typed clearly and concisely and the following must be placed at the top of the first page in capital letters: REQUEST FOR APPEAL. The written/typed appeal must state why the training provider disagrees with the denial, suspension, or termination and include a detailed statement of justification for approval. The request shall be no longer than five pages. (Exhibits and attachments are not included in the five-page limit). Within five calendar days of the receipt of the appeal, the Director of Office of Workforce Development will contact the appellant to schedule a hearing date. The appeal hearing will be conducted and a written decision provided to the appellant no later than ten calendar days after the hearing.

The decision rendered by LWC is final and may not be appealed to the U.S. Department of Labor.

Regional ETPL Policies:

The Calcasieu Consortium Workforce Development Area is comprised of Allen, Beauregard, Calcasieu, Cameron, Jeff Davis, and Vernon Parishes making the ETPL policy Regional.

Policy Changes:

Any changes made to this policy after adoption by the WDB will be required to be approved by the WDB. If any portion of the policy is found to be in conflict with local, state, or federal regulations, laws, or policies, either currently or any time in the future, the ETPL Policy will be changed to ensure compliance. Board approval is not necessary when the policy is revised to meet regulations, laws, or policies.

Violations:

Failure to follow this policy may result in disallowed costs and other audit findings for the LWDA.