

Workforce Arizona Council
Eligible Training Provider List Policy

POLICY NAME: Eligible Training Provider List Policy

POLICY NUMBER: 10

EFFECTIVE DATE: May 30, 2024

ISSUING AGENCY: Workforce Arizona Council

SCOPE: All service providers operating Workforce Innovation and Opportunity Act (WIOA) Title I, WIOA fiscal agents, Arizona Department of Economic Security (DES) staff, Local Workforce Development Boards (LWDBs) and their staff, and the State Workforce Development Board (Council).

REFERENCES: Workforce Innovation and Opportunity Act (WIOA) of 2014; Federal Register 20 CFR § 680; Training and Employment Guidance Letter (TEGL) 3-18, Eligible Training Provider (ETP) Reporting Guidance under WIOA; TEGL 8-19, WIOA Title I Training Provider Eligibility and State List of ETPs and Programs; TEGL 8-19, Change 1, provides clarification on Registered Apprenticeship Programs (RAPs) as WIOA Title I Eligible Training Providers (ETPs). Training and Employment Notice (TEN) 9-20.

OBJECTIVE: This policy provides information and direction required under the Workforce Innovation and Opportunity Act (WIOA) for the State, LWDBs, and training providers on Arizona's statewide Eligible Training Provider List (ETPL).

TABLE OF CONTENTS:

- I. Background
- II. General
- III. Registered Apprenticeships
- IV. Licensing and Business Requirements
- V. Initial Eligibility
- VI. Continued Eligibility
- VII. Training Provider Responsibilities
- VIII. Training Provider Registration Process
- IX. State Responsibilities
- X. Local Workforce Development Board Responsibilities
- XI. Monitoring
- XII. Reciprocal Agreement
- XIII. Third-Party Training Services
- XIV. Removal of Program and Training Providers
- XV. Appeals

I. Background

The Eligible Training Provider List (ETPL) supplies useful information on training providers, the programs they provide, and the quality of their training programs. To maximize consumer choice and assure that all population groups are served, a comprehensive process must ensure that a significant number of qualified Eligible Training Providers (ETPs) are available to participants. Only approved programs listed on the State's ETPL are authorized for referral and enrollment of a WIOA participant. Eligible participants can use the ETPL to make an informed choice regarding training providers. In this way, the ETPL provides participants with an option, which also supports increased performance accountability.

The Governor, in consultation with the State Workforce Development Board, establishes the criteria, information requirements, and procedures, including procedures identifying the respective roles of the State and local areas, governing the eligibility of providers and programs of training services to receive funds through ITAs through 20 CFR 680.430 (a).

The Governor may designate a State agency (or appropriate State entity) to assist in carrying out the process and procedures for determining the eligibility of training providers and programs of training services through CFR 680.430 (b).

In Arizona, the State Workforce Development Board is called the Workforce Arizona Council. In Arizona, the State Administrative Entity is the Arizona Department of Economic Security.

II. General

The ETPL includes training providers who are eligible to receive WIOA Title I funds to train eligible adults, dislocated workers, and youth as well as training program cost, credential information, labor market information, and performance information. WIOA Title I programs are required to give priority consideration to training programs that are related to occupations in-demand in local workforce development areas in Arizona. Arizona's ETPL is available on the State's comprehensive workforce case management and reporting system of record, Arizona Job Connection (AJC). The State's system of record will be used through this policy to make reference to the AJC system.

Entities that fall under 20 CFR 680.320 and 20 CFR 680.530 are exempt from this policy.

Eligible Training Providers are entities that are qualified to receive WIOA Title I funds, according to criteria and procedures established by the Governor. To be eligible to receive monies, ETPs must be one of the following:

- A postsecondary educational institution that provides a program that leads to an associate degree, baccalaureate degree, diploma, recognized credential as defined in TEGL 10-16 (2) and all subsequent changes.
- An entity that conducts programs under the National Apprenticeship Act.
- A training provider that has demonstrated effectiveness in training populations that face established barriers to employment; or
- Other groups as determined by the Governor.

Training programs eligible for the ETPL include (TEGL 8-19):

- Occupational skills training, including training for nontraditional employment;
- On-the-Job Training (OJT);
- Incumbent Worker Training (IWT);
- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness training provided in combination with the training services described in bullets 1-7 of this list or transitional jobs;
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services provided in any of clauses 1 through 7; and
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Training programs may be delivered in person, online, hybrid, or blended format and must lead to at least one of the following:

- An industry-recognized certificate or certification.
- A certificate of completion of a Registered Apprenticeship Program (RAP).
- A license recognized by the State involved or the Federal government.
- An associate or baccalaureate degree.

III. Registered Apprenticeships

All recognized RAPs are automatically eligible to be included on the statewide ETPL if they choose and are certified by a Federal or State Apprenticeship Office. RAPs are not subject to the same application, performance information requirements, or period of initial eligibility since they have already gone through a detailed application and vetting process through the Arizona Apprenticeship Office or US- Department of Labor (DOL) Office of Apprenticeship. The information required for an RAP program to be added to the ETPL is:

- Occupation(s) included within the registered apprenticeship program.

- Name and address of the Registered Apprenticeship Program Sponsor.
- Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address.
- Method and length of instruction.
- The number of active apprentices.
- Programs must be certified by the Federal or State Apprenticeship Office as an active Registered Apprenticeship program to be eligible for the ETPL.
- Registered Apprenticeship Programs are required to ensure cost information including tuition and fees on the ETPL is current. Information will be reviewed periodically to ensure accuracy.

IV. Licensing and Business Requirements

In-state and out-of-state postsecondary institutions must be authorized by a State governing body to operate in the State of Arizona, or the state where they have operations if applicable. This does not apply to RAPs. Training providers must also:

- Be a legal entity, registered to do business in Arizona.
- Licensed through Arizona Private Postsecondary Education unless exempt under state law.
- Current license from appropriate Arizona or a state licensing authority.
- Comply with non-discrimination and equal opportunity provisions of all Federal and State applicable laws.
- Provide training that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
- Comply with all requirements from WIOA, federal regulations, federal guidance, and State policies.

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 which can be found [here](#).

V. Initial Eligibility

Training providers that want to be placed on the statewide ETPL must complete the online application found on the State's comprehensive workforce case management and reporting system of record, Arizona Job Connection (AJC). The initial eligibility procedures apply to all training providers except for RAPs. Training providers must offer at least one program which meets state and local requirements and submit the following documentation for initial eligibility for the program:

- Description of each program of training services to be offered.
- Information concerning whether the provider is in a partnership with a business.
- Evidence that programs result in the awarding of an industry-recognized credential, or degree, including all appropriate industry competencies, licensing,

and certification requirements as defined in TEGL 10-16 (2) and all subsequent changes.

- Cost information, including tuition and fees.
- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the greatest extent possible.
- Access to training services throughout the State (including rural areas and through technology use).
- The training provider must provide information to show that the program is made available to and used by the general public.
- The training provider must not charge more to WIOA participants than what is advertised for the general public.
- One or more of the WIOA indicators of performance for all students: employment 2nd & 4th Quarter after exit, median earnings 2nd Quarter after exit, or credential attainment for the last four quarters.
- Complete and submit the required Training Program Credential Checklist (WIO-1031A).
- Provide training that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.

Approved training providers receive initial eligibility for one year for a particular program.

VI. Continued Eligibility

After the initial eligibility expires, training providers are subject to application procedures for continued program eligibility every two years. All approved training providers on the ETPL are required to provide performance data on all training participants as required by WIOA section 116(d)(4). In addition, local areas will review training provider performance specifically for WIOA participants.

Continued eligibility information:

- Total number of individuals served.
- Total number of individuals exited (includes students who completed, withdrew, or transferred out of the program).
- Total number of individuals who completed the program.
- Total number of exiters employed in the 2nd quarter after exit.
- Total number of exiters employed in the 4th quarter after exit.
- Median earnings of exiters in the 2nd quarter after exit.
- Total number of exiters who attained a credential during participation or within one year after exit.
- Average earnings in the 2nd quarter after exit.
- Average earnings in the 4th quarter after exit.
- Submit documentation of current status of provider meeting initial eligibility requirements.

Training providers may also be subject to additional continued eligibility factors listed in 20 CFR 680.460.

VII. Training Provider Responsibilities

Training providers must:

- Answer all questions on the application located on the AJC website.
- Submit additional documents as needed to the Local Workforce Development Board (LWDB), the Workforce Arizona Council (WAC), and Department of Economic Security (DES) as required or requested.
- Provide periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required or requested by the LWDB.
- Collect information about all students attending a training program as required for reporting of performance measures.
- Submit an Annual Training Performance Report to the system of record.
- Notify the LWDB of any changes or updates to a training program and update the system of record.
- Notify the LWDB of any other changes such as a change in the point of contact, a transition of the school's location, or impending sale or closure, and update the system of record.
- The training provider must not withhold services or credentials to the participant for delayed payment for training services.
- Training providers must upload to the state system of record (AJC) their training provider account information regarding partnerships with businesses. The evidence may include whether the training program was designed as a result of the collaboration with the company and may include assurance from employers that they will hire students upon successful completion of the training program.
- Training providers may provide general information about WIOA but may not guarantee eligibility or assure enrollment.

Performance Data Requirements for Annual Reporting (Excluding Registered Apprenticeship Programs):

- ETPs must submit accurate and timely information for participants receiving training under WIOA Title I.
- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data available to validate the information submitted for reporting.
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The reports are due to the DES annually as agreed to in the Training Provider Assurances form (WIO-1040A FORFF).

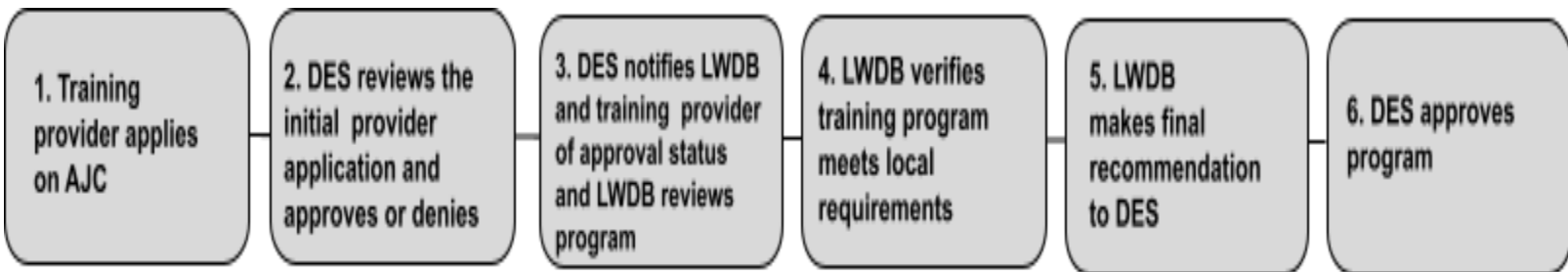
Training Provider Assurances:

- All Training providers must complete and sign the Training Provider Assurances form (WIO-1040A FORFF) to certify that their organization meets all WIOA and Arizona ETPL requirements and agrees to comply with all ETPL training provider responsibilities listed in this policy.
- The Training Provider Assurances (WIO-1040A FORFF) must be returned to the State ETPL Manager within 14 business days of receiving the form.

Required Training Provider Documentation:

- Training providers must make available the following documents upon request and during monitoring visits:
 - Current license(s) from the appropriate Federal, State, or professional licensing authority, where applicable (not required for Registered Apprenticeship Programs).
 - Certificate of Liability Insurance naming DES as the certificate holder, and as an additional insured with a \$2 million general aggregate limit (not required for public postsecondary institutions or Registered Apprenticeships).
 - LWDBs may also adopt a policy to require a Certificate of Liability Insurance naming the LWDB and/or subrecipient/fiscal agent as an additional insured.

VIII. Training Provider Approval Process



IX. State Responsibilities

The DES and the LWDBs share responsibilities for managing the eligible training provider process. DES is the designated State agency for WIOA administration and is responsible for:

- Approval and removal of providers and programs for the State ETPL.
- Ensuring that the information contained on the ETPL is accurate and current.
- Determining training providers' applications and programs approved by the LWDB are reviewed, and those approved are placed on the ETPL.
- Establishing a process for adding programs to the ETPL and assessing program eligibility.

- Maintaining the list of eligible training providers and programs approved by LWDBs.
- Providing an updated list to all LWDBs and the public through the AJC website.
- Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible and making that information available to the public.
- Submitting all reports to the appropriate Federal Agency as required.
- Distributing the ETPL, accompanied by credential, cost, and performance information for each ETPL training program throughout Arizona.
- Allowing training providers to appeal a denial or termination of eligibility, including an opportunity for a hearing at the State level, after a training provider receives an unsatisfactory decision.
- Monitoring training providers for training provider requirements.

X. Local Workforce Development Board (LWDB) Responsibilities

The LWDB is responsible for ensuring that all job center and partner staff members in the respective LWDA have access to the ETPL and are knowledgeable about its use; the LWDB will also provide local access to the ETPL for customers within the job centers.

The LWDB is also responsible for ensuring that:

- They work with the State to ensure that there are sufficient numbers and types of providers of training services.
- Training programs support in-demand industries.
- Programs that use technology-based learning meet all State and local requirements.
- There are sufficient programs with expertise in assisting individuals with disabilities.
- There are sufficient training providers with expertise in assisting adults in need of adult education and literacy activities.

Additionally, the LWDB is responsible for:

- Reviewing for initial and continued eligibility.
- Ensuring participants who receive training are enrolled in approved training programs, as identified on the ETPL.
- Collecting performance and cost information and any other required information related to programs from training providers.
- Monitoring training providers for compliance and performance.
- Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meet minimum levels of performance.

- Consulting with the State ETPL Manager in cases where removal of a training provider or program from the local ETPL is under consideration, or where there is a recommendation to remove a provider or program from the State ETPL.
- Following State policies, assisting with the removal of training programs from the State ETPL that are found to not meet ETPL requirements and performance levels and/or are out of compliance with provisions of the WIOA.
- Notifying training providers and the State ETPL Manager of denial of programs at the local level.
- Allow training providers 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 the DES if the provider is unsatisfied with the LWDB decision.

LWDBs may add additional requirements for providers and their programs on the local ETPL, except RAPs. However, if the LWDB is reviewing provider applications for inclusion on the State ETPL, it must do so using only the State's requirements as noted above and not the LWDBs additional requirements. All RAPs on the State ETPL must be on the local ETPL.

The LWDB may choose not to fund specific training programs based on, but not limited to, the following reasons:

- Lack of occupational demand; or
- High tuition costs compare to similar programs; or
- Lack of a living wage upon program completion

XI. Monitoring

- DES will monitor the LWDBs for ETPL compliance at a minimum of every two (2) years. DES must develop monitoring procedures and make them available to LWDBs.
- DES is responsible for monitoring training providers for accuracy for training provider information in the AJC system and compliance with training provider requirements in section IV of this policy.
- DES must monitor a minimum of fifteen percent (15%) of the training providers within the State each year between July 1 and June 30.
- DES must develop monitoring procedures for monitoring training providers for compliance with ETPL training provider requirements in section IV and make them available to training providers and LWDBs.
- Each LWDBs must monitor a minimum of fifteen percent (15%) of the training providers' programs each year between July 1 and June 30.
- The LWDBs must monitor training programs for compliance with state/ local ETPL policy, ETPL reporting requirements, accuracy of information in the program description in the AJC System, and Equal Opportunity requirements as part of the ETPL monitoring.
- The LWDBs must establish monitoring procedures and make them available to training providers and DES.

XII. Reciprocal Agreement

While the Arizona ETPL is the primary list of ETPs and programs to be used when referring an eligible WIOA Title I candidate to training, the LWDB can send a participant to training located in a different State if the training provider has a Reciprocal Agreement with Arizona. These agreements allow Arizona participants to use ETPs if that training provider appears on the other State's ETPL. Similarly, WIOA participants in the reciprocal States can utilize programs that are on Arizona's ETPL. Reciprocal agreement information can be found on the [DES website](#).

XIII. Third-Party Training Services

ETPL approved training providers who wish to partner with third-party training services must ensure the training service provider has a physical presence in the United States. The third-party provider must be authorized for postsecondary training by the appropriate State authorization agency and comply with all WIOA and ETPL procedures. Each program must be evaluated individually to determine if successful completion of the program results in an industry recognized credential. The ETPL training provider is responsible for collecting initial and continued performance data requirements of the ETPL annual reporting. Further, the certificate received by participants upon successful completion 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.

XIV. Removal of Program and Training Providers

Failure to meet performance requirements can result in punitive action to include written warnings, suspension, or removal of a training provider program from the ETPL. The State ETPL Manager must notify the training provider when a provider application or a training program has been denied or removed from the State ETPL. The LWDB must notify the State ETPL Manager and the training provider when a training program is denied or removed from the local ETPL, or if the LWDB is recommending removal from the State ETPL. Both, the State ETPL Manager and the LWDB must communicate the decision to deny an application and/or the intent to deny eligibility or remove a provider or program to the other party before taking written action.

Training Providers must be removed if:

- All the training providers programs have been removed.
- The training provider has not maintained licenses or insurance.
- The training provider violates WIOA, Federal and State regulations, Federal and State policies, and Federal and State Laws.
- They make false claims to participants and/or the State Board and LWDBs. In addition to performance, programs must be removed if they no longer result in a credential.

Training Providers may be removed if:

- No WIOA participant has used this provider from the last two years of their renewal date.

Training providers eligibility will also be terminated if the training provider is determined to have committed a substantial violation. A substantial violation is identified when at least one of these types of violations has occurred:

1. Fails to meet the State's procedure for timely and accurately submitting required information for annual ETP performance reporting.
2. Fails to meet the State's procedure for timely and accurately submitting all required information for initial or continued eligibility.
3. Violates any provision of WIOA Title I or its regulations, including the nondiscrimination and equal opportunity provisions.
4. DES or the LWDB determines that the institution intentionally supplied inaccurate information within the state system of record (AJC).
5. The institution, over a period of five years, has had three separate complaints filed against it under 29 CFR part 38 of the WIOA nondiscrimination and equal opportunity provisions that have resulted in final determinations finding one or more violation(s).
6. The institution is found to have not complied with the corrective or remedial actions identified to end and/or redress the violation(s) stemming from a single complaint under 29 CFR part 38.
7. There is an order against the institution under 29 CFR § 38.113 suspending, terminating, denying, or discontinuing WIOA Title I financial assistance to the institution.

DES will consider exceptional circumstances beyond the institution's control (e.g., natural disasters, unexpected personnel transitions, and unexpected technology-related issues) when determining if an institution committed a substantial violation for failing to timely and accurately submit required information. If it is determined that an institution committed a substantial violation, the institution is prohibited from having its programs on the published ETPL for a minimum of two years and it is liable to repay any WIOA Youth, Adult, and Dislocated Worker Program funds to the LWDB received during the period of noncompliance, and the timeframe is subject to local area policy.

If DES receives a WIOA participant complaint alleging these types of substantial violations, the complaint will be referred to the appropriate State or Federal investigative body for a determination. If a LWDB receives the complaint, it must notify DES. The process for removing an ETP from the ETPL is detailed in the DES Standard Work document.

XV. Appeals

Training providers have a right to appeal any DES or LWDB decision or action that has an adverse effect on the training provider's organization. Appeals regarding the eligibility of a training provider or program for the local ETPL must be filed with the LWDB within 45 days. LWDBs appeal policy for training providers must include an informal resolution process and an opportunity for a hearing. Appeals regarding the eligibility of a training provider or program for the State ETPL by DES must be filed with DES. All State-level appeals that are not resolved using the informal resolution process must be heard by the DES Office of Appeals.

CONTACT ENTITY: Inquiries regarding this policy must be directed to the Workforce Arizona Council staff at Workforce.Council@oeo.az.gov.