

Workforce Arizona Council Eligible Training Provider List Policy

09-2022 Eligible Training Provider List

ISSUING AGENCY: State Workforce Development Board

SCOPE: This policy applies to all service providers operating Workforce Innovation and Opportunity Act (WIOA) Title I, WIOA Title I program manager(s), WIOA fiscal agents, Arizona Department of Economic Security (DES), 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.

EFFECTIVE

DATE: July 1, 2022

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

DEFINITIONS: In Arizona, the State Workforce Development Board is called the Workforce Arizona Council (WAC). In Arizona, the State Administrative Entity is the Arizona Department of Economic Security (DES).

BACKGROUND: The Eligible Training Provider List (ETPL) supplies useful information on training providers, the services 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 consumers. 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 consumers with an option, which also supports increased performance accountability.

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, and performance information. Arizona’s ETPL is available on the State’s comprehensive workforce case management and reporting system of record. 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.

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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 (1) of the following:

- A postsecondary educational institution that provides a program that leads to an associate degree, baccalaureate degree, diploma or certificate.
- 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:

- Occupational skills training, including training for nontraditional employment.
- Cohort programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skills upgrading and retraining.
- Entrepreneurial training.
- Job readiness training provided in combination with training services described above or in transitional jobs.

Training programs may be delivered in person, online, hybrid, or blended format and must lead to at least one (1) 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.

Registered Apprenticeships:

All approved Registered Apprenticeship Programs (RAPs) are automatically eligible to be included on the statewide ETPL, if they choose. 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-DOL Office of Apprenticeship. The information required for an RAP program to be added to the ETPL is:

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- 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, and
- The number of active apprentices.

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. 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.
- 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 the Act, 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.

Initial Eligibility:

Training providers who wish to be placed on the statewide ETPL must complete the online application found on the Arizona Job Connection (AJC) website. The Initial eligibility procedures apply to all training providers except for RAPs. ETPs must provide the following for initial eligibility:

- 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, national or State certificate, or degree, including all appropriate industry competencies, licensing, and certification requirements.
- Cost information, including tuition and fees.

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- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible.
- Access to training services throughout the State (including rural areas and through technology use).
- Information related to the WIOA performance indicators of performance for all students: employment 2nd & 4th Quarter after exit, median earnings 2nd Quarter after exit, and credential attainment.
- Complete and submit the required Training Program Credential Checklist (WIO-1031A).

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

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 WIOA section 116(d)(4). The reporting information should contain the nine elements on "All Individuals" in the ETA-9171 report. These elements are as follow:

- Total number of individuals served.
- Total number of individuals exited (includes students who completed, withdrew, or transferred out of the program).
- Total number 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; and
- Average earnings in the 4th quarter after exit.

Training Provider Responsibilities:

Training providers must:

- Answer all questions on the application located on the AJC website.

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- Submit additional documents as needed to the Local Workforce Development Board (LWDB) and the Workforce Arizona Council (WAC) and Department of Economic Security (DES) as required.
- Provide periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required and 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.

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 Coordinator within 14 business days of receiving the form from the State ETPL Coordinator.

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).

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- Student Refund Policy (not required for Registered Apprenticeship Programs); and
- 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.

Training Provider Registration Process:



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 provider 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 promptly.
- Establishing a process for adding programs to the ETPL and verifying their "registered" status.
- 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.
- 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.

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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. Additionally, the LWDB must require training providers to supply information regarding their partnerships with businesses. The evidence may include whether the training program was designed as a result of the collaboration with the company and must also include assurance from employers that they will hire students upon successful completion of the training program.

The LWDB is also responsible for ensuring 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 training programs for initial eligibility.
- Ensuring that all participants 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 performance standards.
- Consulting with the State ETPL Coordinator 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 and 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 Coordinator of denial of programs at the local level.

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- 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 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 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

Monitoring:

DES will monitor the LWDBs for ETPL compliance at a minimum of every two (2) years. The LWDBs must monitor a minimum of fifteen percent (15%) of the training providers' program each year between July 1 and June 30. The LWDB will randomly select WIOA participant files and validate that the data has been uploaded into the system correctly, ensuring that the yearly Federal ETP report is accurate. Additionally, the LWDBs must establish monitoring procedures and will provide a copy of this process to the State ETPL Coordinator upon request.

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.

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 applications for 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.

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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 Coordinator 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 Coordinator 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 Coordinator 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 the Act, regulations, federal policies, State laws, State policies.
- They make false claims to participants.

In addition to performance, programs must be removed if they no longer result in a credential and if no WIOA participant has used the program in two years.

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 ETPL website portal.
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

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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 it received during the period of noncompliance.

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.

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. 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.