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Eligible Training Provider Eligibility Certification Procedure

Purpose: In accordance with WIOA sec. 122, this guidance explains the requirements and timelines for determining training provider eligibility in order to utilize WIOA title I-B training funds and for publicly disseminating the eligible training provider list. The purpose of this procedure is to outline the certification process for new eligible training providers in accordance with the federal Workforce Innovation and Opportunity Act of 2014.

Reference: (WIOA Law)

<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 41-14

Under both WIA title I and WIOA title I-B, participants in need of training services to enhance their job readiness or career pathway may access career training through a list of state-approved training providers and their state-approved training programs. Participants can select from the list of eligible training provider (ETP) programs that meet their needs. WIOA title I-B builds upon and modifies the system in place under WIA title I. This guidance highlights and clarifies those changes to assist State and Local Workforce Development Boards in adjusting their processes to comply with WIOA requirements.

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services, including Registered Apprenticeship programs and others, is vital to achieving these core principles. As required by WIOA sec. 122, States, in partnership with Local Boards, must identify eligible training providers that are qualified to receive WIOA title I-B funds to train adults and dislocated workers, including those with disabilities. Therefore, WIOA requires that each State must maintain a list of eligible training providers and their eligible training programs. The list must be accompanied by relevant performance and cost information and must be made widely available, including in electronic formats, and presented in a way that is easily understood, in order to maximize informed consumer choice and serve all

significant population groups. Governors and boards are required to implement the ETP provisions of WIOA by July 22, 2015 (not later than 12 months after the enactment of WIOA).

The State plays a leadership role in ensuring the success of the eligible training provider system in partnership with Local Boards, the one-stop system, and its partners. The approved list of eligible training providers should serve as an important tool for participants seeking training to identify appropriate providers, and relevant information such as cost and program outcomes. Using the list of eligible training providers, case managers in one-stop career centers can assist participants in identifying training and training providers in high demand industries that result in positive outcomes and recognized credentials.

Role of Local Boards. The Local Boards have statutorily required responsibilities related to eligible training providers, roles that the Governor may assign the Local Board, and additional options for their local area.

Local Boards must work with the State to ensure that:

- There are sufficient numbers and types of providers of career services and 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 and providing the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities; and
- The State's eligible training provider list is disseminated publicly through the local one-stop system, and its partner programs; • The Governor may also assign specific responsibility to Local Boards such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA; and
- The Local Board may set additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the Governor's procedure. Local Boards may also provide comment and input into the Governor's development of the eligible provider procedure through the public comment process. Any additional requirements established by the Local Board will only affect a program's eligibility and performance level eligibility requirements within the local area.

Southeast Arkansas Workforce Development Board Selection Criteria & Procedures

- Eligible Training Provider applications will be reviewed by the Planning Committee at each Workforce Development Board Meeting, to be held at least once quarterly. Recommendations of approved providers/programs will be presented to the full board for approval.
- In the event of special approval needing to be made, prior to a regularly scheduled SEAWDB meeting, the planning committee is granted permission to convene for a special called meeting to approve pending providers/programs.

- The board will review all applications with an “initial” status. Providers/programs included on the ETPL, in a “continued” status may be approved by Board staff in the ACRS database. A report of continued status providers/programs will be presented to the planning committee at each meeting.
- All training providers/programs, in which courses are offered through online and distance learning platforms, must be fully accredited by a governing education organization.
- Out-of-state providers/programs and providers/program outside of the region will be considered on a case-by-case basis, considering consumer choice and the sufficient numbers and types of providers of career services and training services in the local area or region.

Eligible Training Provider Eligibility Certification Procedure

Procedure:

To be included on the Eligible Training Provider List (ETPL), providers must submit an electronic application to the Local Workforce Development Board (LWDB) for the area where they wish to provide training services. A separate electronic application must be submitted for each training program. Also, if applying for a training program to be offered at different training locations, a separate electronic application is required for each training location. Each training program must be on the current *Projected Employment Opportunities List*.

Providers who may apply to be included on the ETPL include:

- An institution of higher education that provides a program that leads to a recognized postsecondary credential.
- Another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities, if such activities are provided in combination with occupational skills training. These providers must have all appropriate licenses to operate in the State of Arkansas and will be required to submit copies of such licenses. The information will then be verified by the Arkansas Division of Workforce Services (ADWS).
- An entity that carries out programs under the National Apprenticeship Act will be included and maintained on the ETPL for so long as their program remains registered. These providers will be required to contact ADWS to make known their desire to be listed and provide documentation that verifies their program is a registered apprenticeship program certified by the U.S. Department of Labor, Office of Apprenticeship.

The first step of the process is to determine if a provider is qualified to apply using initial eligibility status. All provider/program combinations that have not been previously eligible under WIOA Section 122 or the Workforce Investment Act Section 122 may apply under these rules.

Projected Employment Opportunities:

All training must be directly linked to employment opportunities either in the local area or in an area to which the individual is willing to relocate. If a local area does not have a particular occupation on its projected employment opportunities list, they may send a participant to, or a customer may choose, a training provider/program not approved by their LWDB if that participant agrees in writing that s/he would be willing to relocate or commute to become employed in that occupation.

An occupation is considered an employment opportunity for a local area if it appears on the *Projected Employment Opportunities List* for the State or local area as published by the Labor Market Information (LMI) division of the Arkansas Division of Workforce Services. Occupations on an adjacent local area's list, including local areas in other states, may also be considered employment opportunities in the local area. If a local area would like to train in an occupation that is not on their local area's projected employment opportunities list, but is on the list of an adjacent area, they should contact the Labor Market Information division of the Arkansas Division of Workforce Services to have the occupation added within the Arkansas Consumer Report System web site. For local areas in other states, the LWDB must provide the adjacent area's projected employment opportunities list, along with the adjacent state's contact information and the training occupations before the occupations can be added to the Arkansas Consumer Report System.

In an effort to increase access to training for rural areas, training providers may be classroom based, online based, or outside of the state. Providers of all types are required to meet the same eligibility and performance criteria. A provider must be in statutory compliance with Arkansas laws in relation to operation as a training education institution.

Required Information for Initial Eligibility:

The information to be included on the initial application is described below:

1. A description of the training program to be offered, including the costs of tuition, books and fees.
2. The program completion rate for **all** individuals participating in the applicable program to be offered by the provider.

To calculate: The number of all participants who completed the program/course during the reporting period divided by the total number of all participants.

3. If the training provider is in a partnership with business/industry and an explanation of the partnership.
4. If the training program leads to a recognized postsecondary credential and a description of the credential.
5. If the program aligns with in-demand industry sectors and occupations.
6. Information on the program completion rate for program participants
7. A description of how the provider provides access to training services, including to rural areas, including the use of technology
8. A description of the degree to which training program(s) align with in-demand industries and occupations in the State, as identified in State and Local Plans
9. Any applicable state licensure requirements of training providers
10. A description of training provider's ability to offer industry-recognized certificates and/or credentials through the program
11. A description of training provider's ability to offer programs that lead to post-secondary credentials
12. A description of the quality of the program of training services including a program that leads to a recognized post-secondary credential
13. A description of the ability of the providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities
14. The timeliness and accuracy of the eligible training provider's performance reports

15. Relevant information reported to State agencies on Federal and State training programs other than programs within WIOA Title I.

While we do not intend to limit customer choice nor decrease the number of available training providers, we will prioritize certain individual criteria elements listed above during our evaluation for continued eligibility. Our primary focus will be placed upon the WIOA performance criteria, Numbers 1-4, followed by criteria Numbers 5-8. The remaining criteria elements will be given no special emphasis.

The Continued Eligibility Certification Process:

1. Providers eligible to apply under this section will complete an online electronic application for "continued certification" through the automated Arkansas Consumer Report System (ACRS) located at <https://www.workforce.arkansas.gov/acrs/>. Providers must apply for each individual program. If multiple training locations exist, an application must be made for each location. Providers may make application to any or all Local Workforce Development Boards (LWDBs) at the same time.
2. The LWDBs will receive the application via Internet file if (1) The program's CIP Code appears on the current Projected Employment Opportunities List for the State or Local Workforce Development Area, and (2) Required items are complete and meet minimum qualifications.
3. The LWDB will electronically approve or disapprove each application received via the Internet. The LWDB is responsible for ensuring that the provider's performance information meets or exceeds the State minimum levels.
4. Upon approval by the LWDB, the provider will be automatically placed on the ACRS website as a WIOA Eligible Training Provider for the applicable program.

Substantial Violation

Under WIOA, an institution commits a substantial violation when it: (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) intentionally provides false information, or (4) violates any provision of WIOA Title I or its regulations, including the nondiscrimination and equal opportunity provisions.

The State will take into account 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 exceptional circumstances existed, then a substantial violation did not occur. 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.

Registered Apprenticeship Programs

Registered Apprenticeship (RA) programs are an exception to the initial and continued eligibility certification processes. They are exempt from performance and reporting-related requirements. These programs have already gone through a rigorous assessment as part of the registration process with the U.S. Department of Labor, Office of Apprenticeship (DOLETA/OA). Inclusion of RA programs on the state Eligible Training Provider List (ETPL) enhances participants' awareness of the programs and provides local workforce systems with a mechanism to support this valuable training model. All RA

programs listed on the ETPL will automatically be considered as a statewide demand occupation for as long as they have an unfilled opening(s). Local boards may not require additional criteria of RA programs.

To be listed on the state ETPL, a RA program should complete the ACRS Registered Apprenticeship Form and return it to the Arkansas Division of Workforce Services via mail, fax or email. The necessary contact information can be found on the bottom of the form. Once the completed form is received and reviewed for completeness, the RA program will be displayed on the Arkansas Consumer Report System (ACRS) website at: <https://www.workforce.arkansas.gov/ACRS/ETPApprenticeShipList.aspx>.

Notification and Appeal Procedures

If a provider of training services has its eligibility denied, are terminated due to substantial violations, failure to provide requested performance information without reasonable justification, or otherwise are removed for good cause, the training provider will be notified that their training program is being removed from the State's training provider list. This information regarding the decision will be submitted to the contact person listed on the training provider's account.

The training provider may appeal the denial or termination within twenty (20) business days from the date of receipt of notice of termination by submitting an appeal request to the ADWS Office of Employment Assistance, P.O. Box 2981, Little Rock, Arkansas 72203 or WIOA@arkansas.gov.

The State will review the appeal, provide the opportunity for a hearing, and issue a written decision/response within thirty (30) business days of the receipt of the appeal. The appeal will be heard by the Arkansas Appeal Tribunal, P.O. Box 8013, Little Rock, AR 72203.

Approved:

SEAWDB Chairperson

Date

Amended:



SEAWDB Chairperson

6-17-20

Date