

**Administrative Policy Issuance**

**POLICY NUMBER:**  
CEW04-201601

<b>Policy Name:</b> Criteria for Approval, Withdrawal and Denial of WIOA Eligible Training Provider Applications	<b>Description:</b> Establishes standards for reviewing the program applications submitted to WSNCT through the ETPS
<b>Date of Approval:</b> January 12, 2016	<b>Revision History:</b>
<b>Effective Date:</b> January 12, 2016	<b>Scheduled for Review:</b> January 12, 2020
<b>Policy Topic:</b> Customer Experience-WIOA	<b>Administering Department:</b> PPPA

**DEFINITIONS:**

**Certified program:** A program approved by Workforce Solutions for North Central Texas, forwarded to Texas Workforce Commission for review and certified to be added to the Eligible Training Provider Statewide List.

**POLICY STATEMENT:**

The Workforce Innovation and Opportunity Act (WIOA) requires Training Providers to apply to a Workforce Development Board for certification to receive WIOA funds. The publicly accessible Eligible Training Provider System (ETPS) includes all training programs currently approved by one or more boards and certified by the Texas Workforce Commission (TWC). Training Providers must submit and receive approval of a Provider Assurance Statement (PAS) to obtain access to the online application system.

By having a signed PAS form on file with TWC, the provider's assurances shall apply to all applications for initial or subsequent eligibility determination submitted to Workforce Solutions for North Central Texas (WSNCT).

ETP applications for initial eligibility and continued eligibility received July 22, 2015, forward, will be evaluated based on requirements set forth in WIOA, in addition to the previous WIA requirements. All programs, including existing ETPs grandfathered in under WIA requirements until June 30, 2016, must be evaluated using WIOA criteria, at initial application and every two (2) years following.

A Provider is required to be

- an institution of higher education providing a program leading to a recognized postsecondary credential;
- an entity providing registered apprenticeship training; or
- a public or private Training Provider, which can include:
  - joint labor-management organizations; or
  - adult education and literacy providers, as long as services are provided with occupational skills training.

**ACTIONS REQUIRED:**

To qualify as a Training Provider on the Eligible Training Provider List (ETPL) for WSNCT, Training Providers must comply with WIOA regulations. Training Providers must ensure all school staff are aware of the necessity of providing quality training and meet minimum performance standards for the approved training to be added and remain on the ETPL.

Minimum Initial Eligibility Criteria for New Applicant Providers under WIOA

- Describe each program of training services to be offered by submitting a curriculum outline and course descriptions, current catalog, or handbook;
- Provide documentation of regulatory or accreditation status and list of approved programs of instruction;
- Provide Indicators of Performance, specified by WIOA as:
  - percentage of program participants in unsubsidized unemployment during the second quarter after exit from the program;
  - percentage of program participants in unsubsidized employment during the
  - fourth quarter after exit from the program;
  - median earnings of program participants in unsubsidized employment during the second quarter after exit from the program; and
  - percentage of program participants who obtain a recognized postsecondary credential, secondary school diploma or recognized equivalent during participation of, or within one (1) year after exit from, the program.
- Provide information concerning whether the Provider is in a partnership with business and aligned training services with targeted industry sectors and occupations. Acceptable documentation of partnerships with employers related to the particular training program may include:
  - a letter of support from a local employer or employers; or
  - evidence of existence of an employer-based advisory committee.
- Provide other information required in order to demonstrate high quality training services, including a program of training services which leads to a recognized post-secondary credential; and
- Provide information addressing alignment of the training services with WSNCT targeted industry sectors and occupations, to the extent practicable.

ETPs are required to submit performance information in program applications, and must meet the established performance minimums to be certified. New program offerings, a program/course never delivered to any student, regardless of funding source, on or before the date of Initial Eligibility Application submission, are the only exceptions to this requirement.

Continued Eligibility for Providers under WIOA

Continued eligibility requirements apply to both Training Providers transitioning to WIOA who were previously eligible under WIA, and newly eligible Training Providers determined to be initially-eligible under WIOA. All providers are subject to review and renewal of their eligibility at least every two (2) years.

Continued eligibility criteria for providers of training services will also take into account Indicators for Performance, listed above.

Once Training Providers have two (2) years of Indicators of Performance outcomes, they will be expected to take into account:

- access to training services, including rural areas and through the use of technology;
- information reported to state agencies on federal and state training programs, other than programs within WIOA, including Workforce partner programs;
- the degree to which training programs relate to targeted industry sectors and occupations;
- state licensure requirements and licensing status of Training Providers;
- the provider's ability to offer industry-recognized certificates and/or credentials;
- the ability of providers to offer programs which lead to post-secondary credentials;
- the quality of the program of training services, including a program leading to a recognized post-secondary credential;
- the ability of the providers to provide training services physically and programmatically accessible to individuals who are employed, and individuals with barriers to employment, including individuals with disabilities;
- the timeliness and accuracy of ETP's performance reports; and
- additional factors to ensure accountability of providers, Workforce centers will meet the needs of local employers and participants, with participants given an informed choice among providers. Examples of additional factors include the:
  - ability of a provider to partner with employers to provide job placement services;
  - dropout rate of the Training Provider; and
  - student loan default rate of the providers.

#### Required Provider Information

All eligible Training Providers must submit accurate and timely performance data and cost information at the time of initial application, and at a minimum of every two (2) years. The program-specific performance information submitted must include the following information:

- Indicators of Performance, including program completion percentage, entered employment percentage, and entered employment hourly wage rate;
- information identifying the recognized post-secondary credentials received by WIOA participants;
- program cost information, including tuition and fees, for WIOA participants in the program; and
- information on the program completion rate for WIOA participants.

Providers are required to submit performance information for the state's Eligible Training Provider Performance Reports, which are disseminated publicly, similarly to the ETPL.

#### Adverse Determination

Should an adverse determination of the training program approval occur, the Training Provider has the right to file a written appeal within fourteen (14) calendar days of the mailing date of the determination. The written appeal must include the Training Provider's name, name of the agent filing, and current mailing address. The appeal must be addressed to:

Debra Kosarek, Hearing/Equal Opportunity Officer  
NCTCOG/Workforce Development  
P.O. Box 5888  
Arlington, TX 76005-5888

The written appeal will be processed under the appropriate section of WIOA. Every effort will be made to conduct informal resolution and other alternative dispute resolution avenues. If no final informal resolution is reached, WSNCT shall provide an opportunity for a hearing to resolve an appeal. Either a final agreement resulting from informal resolution or a hearing and Board decision will be issued within sixty (60) calendar days of the original filing of the appeal.

#### Workforce Center Staff Responsibilities

The Workforce Center Contractor will recruit and certify those individuals who are eligible for training. The Workforce Center Contractor will assess each eligible applicant for career aptitudes, interests, abilities, academic skills, etc. to assist in determining appropriate training assignment. The Training Provider may refer applicants interested in its training to the Workforce Center Contractor for determination of eligibility and, if appropriate, referral and assignment to training.

The Workforce Center Contractor will only refer participants to the Training Provider who, in the Contractor's judgement (along with the participant), possess the aptitudes, interest, and abilities required to successfully complete training and attain unsubsidized employment in the occupation trained for, or in a training-related occupation. The referral will be done through the use of an Individual Training Account.

The Workforce Center Contractor will coordinate procedures with the Training Provider to share information on financial resources for participants as outlined in the Coordination of Department of Education (DOE), Pell Grants, and other Funding Sources.

#### Training Provider Responsibilities if Program is Approved

The Training Provider shall provide occupational skills training only for certified courses as identified on the ETP Statewide List. The Training Provider will:

- submit billing information to the Workforce Center Contractor as instructed on the WSNCT website at [www.dfwjobs.com](http://www.dfwjobs.com);
- notify WSNCT at least forty-five (45) days prior to the effective date of any changes in policies, such as admission requirements, tuition and fees, curriculum, or refund terms by submitting a change request in the ETP system;
- ensure all participants accepted for enrollment into approved training, meet established entry requirements;
- in conjunction with the Workforce Center Contractor and the participant, decide the appropriate use of funds from multiple sources to address participant needs prior to enrollment. Use of Pell Grant funding for WIOA eligible participants must adhere to all governing rules and regulations;
- notify the Workforce Center Contractor if a Pell Grant is awarded after enrollment. In instances of training beyond six (6) months, the Training Provider will submit the status of a participant's Pell Grant or other federal aid award upon renewal of eligibility, and the Individual Training Account will be amended accordingly;
- notify the Workforce Center Contractor of excessive absenteeism, withdrawal or falling below acceptable performance of enrolled participants;
- promptly inform the Workforce Center Contractor of any change in status of participants, including conditions which might result in termination. The Training Provider will consult with the Workforce Center Contractor prior to termination of any participant, and document the cause of termination in the participant's file;


- provide to each participant, a permanent record of their participation in each course. Upon successful completion of an approved program, the Training Provider will furnish each student with a Certificate of Completion and a copy to the Workforce Center Contractor for the participant's file;
- agree to cooperate with any monitoring, inspection, audit, or investigation of activities as may be conducted by the NCTCOG, WSNCT, the elected officials of the Consortium, the State of Texas, Texas Workforce Commission, the U.S. Department of Labor, the Comptroller General of the United States, or their duly authorized representatives giving access for three (3) years from the date of acceptance of the final close-out and until any outstanding litigation, audit, or claim has been resolved;
- establish, maintain and utilize internal program management procedures sufficient to provide for the proper, effective management of all activities funded by WIOA. Failure to comply with the provisions of WIOA, when such failure involves fraud or misappropriation of funds, may result in immediate withholding of funds and removal from the Statewide Eligible Training Provider List without the option to reapply for up to two (2) years or as modified by Texas Workforce Commission; and
- if available, provide to each WIOA participant assistance in securing unsubsidized employment in the occupation trained for, or in a training-related occupation, at no less than the minimum self-sufficiency wage established by WSNCT.

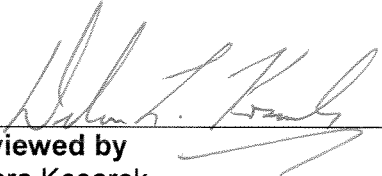
**RELATED POLICIES/RESOURCES:**

Code of Federal Regulations, Title 20, Chapter V, Part 667 "Administrative Provisions under Title I of the Workforce Investment Act." §667.200, §667.226  
Code of Federal Regulations, Title 29, Part 37. §37.20  
Employment and Training Administration Advisory System of the U.S. Department of Labor  
Training and Employment Guidance Letter 41-14  
TAC Title 40, Part 20 TWC, Chapter 823 "Integrated Complaints, Hearings, and Appeals," Sections 10 through 14  
TAC Title 40, Part 20 TWC, Chapter 841 "Workforce Investment Act"  
Texas Education Code, Title 3, Subtitle G, Chapter 132 "Career Schools and Colleges"  
TWC Letter WD 24-15: Workforce Innovation and Opportunity Act Eligible Training Providers Evaluation Criteria and Performance Expectations  
Workforce Innovation and Opportunity Act §116(b)(2)(A)(i)(I)-(IV)  
Workforce Investment Act of 1998 Sec. 122 "Identification of Eligible Providers of Training Services"  
Workforce Investment Act of 1998 §195(9)(B)

**INQUIRIES:**

Please contact [policy@dfwjjobs.com](mailto:policy@dfwjjobs.com)

  
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**Approved by**  
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