

## Arapahoe/Douglas Works! Policy

Implementation Date: November 17, 2015  Scheduled Review Date: November 2016  Responsibility: Arapahoe/Douglas Works! Workforce Development Board	<b>Subject: Eligible Training Providers</b>		Policy Number: <b>ADWB-02-2015</b>
	<b>Summary:</b> To establish parameters for agency eligible training providers.		
	<b>Scope:</b> All Arapahoe/Douglas Works! Employees		
Category(ies):	Workforce Innovation and Opportunity Act	Replaces:	2011-08

**All November 2015 revisions highlighted in yellow**

**Citations:**

- [Workforce Innovation and Opportunity Act of 2014](#), Sections 122 and 134
- [TEGL 41-14](#), Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition
- [TEGL 15-10](#), Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System
- [PGL 01-15-WIA1](#), Individual Training Accounts
- [PGL 15-10-WIOA](#), Eligible Training Providers for WIOA Title I Adult and Dislocated Worker Programs
- [National Council for State Authorization Reciprocity Agreements](#)

**Background:**

Arapahoe/Douglas Works! has used a standard system in alignment with the Colorado Department of Labor and Employment (CDLE) guidance to determine eligible training providers over the past fifteen years. This process of review and selection offers assurance that a level of performance has been met by training providers. Most recently, new information, criteria, and procedures were provided to the Local Workforce Development Boards and local workforce areas to implement the Eligible Training Provider requirements resulting from the transition from the Workforce Investment Act of 1998 to the Workforce Innovation and Opportunity Act of 2014.

The Workforce Investment Act (WIA) established the eligible training provider process as part of the overall strategy to ensure informed customer choice, performance accountability, and continuous improvement. The Workforce Innovation and Opportunity Act (WIOA) further advances these goals through the alignment of the six primary federal programs that support employment and training services – the Title I Adult, Dislocated Worker, and Youth Programs, Adult Education and Literacy programs, the Wagner-Peyser Employment Service, and Title I of the Rehabilitation Act programs. Colorado’s Eligible Training Provider List (ETPL) identifies training providers whose performance qualifies them to receive WIOA funds to train adults and dislocated workers through Individual Training Accounts (ITAs). The State ETPL and the related eligibility procedures ensure the accountability, quality, and labor-market relevance of programs of training services that receive funds through WIOA. WIOA outlines the responsibilities of the Governor, designated State agencies, and Local Workforce Boards in creating and maintaining a list of eligible training providers.

Beginning in **Spring** 2016, Colorado’s ETPL will be administered in partnership with the Colorado Department of Higher Education and College in Colorado using a new online system. This new online platform will coincide with the implementation of WIOA to provide enhanced features and

accessibility to our shared customers. ADW! employees will attend any training sessions on the use and implementation of this new online system when provided.

**Action:**

**GLOSSARY**

**ELIGIBLE TRAINING PROVIDER** is a provider of training services who has met the eligibility requirements to receive WIOA Title I Adult and Dislocated Worker funds to provide training services to eligible individuals. Eligible training providers may also receive Title I Youth funds through ITAs under certain conditions (see below).

**PROGRAM OF TRAINING SERVICES** is defined as one or more courses or classes, or a structured regimen, which lead to:

1. A recognized post-secondary credential, secondary school diploma or its equivalent,
2. Employment, or
3. Measurable skill gains toward such a credential or employment.

A **CREDENTIAL** is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers. Certificates awarded by Local Workforce Boards are not included in this definition, nor are work readiness certificates because neither of them document "measurable technical or occupational skills necessary to gain employment or advance within an occupation."

A **PRE-APPRENTICESHIP** is a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship program(s).

A **PROGRAM COMPLETER** is a participant who meets all requirements of the training program.

A **PROGRAM EXITER** is a participant who left the program during the previous twelve month period for any reason (including completers).

**TRAINING PROVIDERS SUBJECT TO ETPL REQUIREMENTS**

The following types of training providers are subject to the ETPL requirements in order to receive WIOA Title I Adult and Dislocated Worker funds to provide training services to eligible adult and dislocated worker individuals through ITAs.

1. Institutions of higher education that provide a program of training that leads to a recognized postsecondary credential;
2. Apprenticeship programs registered by the USDOL Office of Registered Apprenticeship;
3. Public or private training providers, including joint labor-management organizations, pre-apprenticeship programs, and occupational/technical training; and
4. Providers of adult education and literacy activities provided in combination with occupational skills training (i.e. the I-BEST model, not currently in Colorado).

ITAs are also allowable for WIOA Title I Youth funds to provide training to older, out-of-school young adults (ages 18-24). These young adults may utilize the ETPL to enhance individual choice, but it is not required.

## INITIAL ELIGIBILITY AND APPLICATION PROCESS

Beginning in **Spring 2016**, training providers that were not eligible providers under WIA may submit an application through the new website for initial program eligibility, which can be granted for one **full fiscal year (through September 30, 2017)**. Training providers may apply for initial program eligibility on a rolling basis throughout the year. For example, a training provider that applies for initial program eligibility in **August 2016** will have until September 30, 2017 to apply for continued program eligibility with no gap in eligibility.

All applications for the ETPL will be completed online. Training providers can apply for a program's inclusion on the ETPL in one or more local workforce areas in Colorado with a single application. The specific local areas that are covered must be marked on the application, and performance data for all local areas must be provided.

1. The first step in the online application process for training providers will verify that the training provider is licensed, certified, or authorized by the Colorado Department of Higher Education, or the relevant state agency with oversight, to operate training programs in Colorado. If a provider is in compliance with the oversight agency, the provider can proceed to the next step in the application process. If a program is not in compliance with the oversight agency as required by state law, the provider will not be able to apply for inclusion on the ETPL until they meet the necessary requirements.

Postsecondary institutions located outside Colorado that offer distance education may be authorized to operate programs in Colorado through the State Authorization Reciprocity Agreement (SARA) if the institution is approved by SARA in their home state. Colorado residents may use ITAs to physically attend training programs in other states if the program is on the other state's ETPL and a reciprocal agreement is established between CDLE and the other state agency responsible for the ETPL.

2. Training providers applying for initial program eligibility must provide the following through the online application:

- a. A description of each program of training services to be offered;
- b. Information on cost of attendance, including costs of tuition and fees;
- c. Whether the training program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;
- d. Whether the provider has developed the training in partnership with one or more businesses (and the names of the businesses);
- e. Which in-demand industry sectors and occupations best fit with the training program;
- f. A description of the prerequisites or skills and knowledge required prior to the commencement of training; and
- g. Social security numbers for all students residing in Colorado, regardless of funding source.

Social security numbers must be provided for all students in Colorado for the previous two fiscal years. Training providers that have not been in existence for at least two years will be required to provide student data only for the time period available. If the training provider has not previously collected social security numbers, this will be required going forward for eligibility. The online application system will provide a secure means to transmit this information.

Once the online application is submitted and the state has determined that the required information has been provided, the state will automatically notify each local workforce area to approve, deny, or request further information on each training program within 30 days of the receipt of a complete application. Per PGL, Local Workforce Boards may require supplemental

information and may set additional eligibility criteria in local policy. If the Local Workforce Board has taken no action on a complete application after 30 days, the application will be automatically approved. In order to be responsive to customer demand, local boards have the discretion to establish their own policy or procedure to approve or deny applications within a shorter time period.

Registered apprenticeship programs are automatically eligible for the ETPL and are not subject to the eligibility criteria or application requirements. While registered apprenticeship programs are automatically eligible, not all registered apprenticeship sponsors may wish to be included on the list. Registered apprenticeship programs will automatically be included on the State list until they lose their registration or they indicate they do not wish to be included.

### **CONTINUED ELIGIBILITY**

Training providers applying for continued eligibility after the initial eligibility period of one full fiscal year must submit online applications through the website for continued program eligibility every two years.

Applications for continued eligibility must be submitted online by October 1st for the year in which eligibility expires. For example, if a program's initial eligibility expires October 1, 2017, the training provider must apply for continued eligibility by October 1, 2017 and the continued eligibility will expire in two years on October 1, 2019. The continued eligibility application is required for any program that has previously been on the list. Dropping off the list for a period of time does not return a program to an initial eligibility status.

Applications for continued eligibility must show the training program is still authorized by the appropriate oversight agency to operate in Colorado and must include the following (in addition to updating the information provided for initial eligibility):

- i. The total number of participants enrolled in the program;
- ii. The total number of participants completing the program;
- iii. The total number of participants exiting the program;
- iv. Information on recognized post-secondary credentials received by program participants;
- v. Information on the program completion rate for such participants;
- vi. Description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology;
- vii. Description of how the providers provide training services to individuals who are employed and/or individuals with barriers to employment;
- viii. Information reported to State agencies on Federal and State training programs other than programs within WIOA title I-B; and
- ix. Social security numbers for all participants in Colorado for the two previous years, regardless of funding source, which will be used to calculate the performance measures listed in [Attachment 1](#) of PGL.

If a training provider demonstrates that providing this required information is unduly burdensome or costly, and CDLE concurs that the provider has demonstrated extraordinary costs or undue burden, the provider may request technical assistance from CDLE to assist them in collecting and supplying the required information. If this occurs, requests will be submitted in writing via email to CDLE.

### **TRANSITION OF ELIGIBLE TRAINING PROVIDERS UNDER WIA**

To ensure a smooth transition to WIOA, eligible training providers under WIA may continue to be eligible until **the new system is available** and the current ETPL will remain in place until that date. Beginning in **Spring 2016**, CDLE anticipates that current eligible training providers may begin

applying for continued eligibility in the new system. **All eligible training providers under WIA must re-apply in the new system to remain eligible after the new system is available, under the continued eligibility procedures in Section E of PGL.** See PGL 15-10-WIOA for additional information.

CDLE anticipates the new WIOA-compliant ETPL and online platform will launch with the newly entered data from training providers in **Spring 2016**, assuming no delays in the new system development.

During 2016, minimum performance targets will not be set as eligibility criteria for training programs to remain on the ETPL. Performance information for each program will be posted on the ETPL to help consumers make an informed decision.

## **ROLES AND RESPONSIBILITIES**

### **Colorado Department of Labor and Employment (CDLE)**

CDLE is responsible for:

- a. Establishing requirements for the ETPL system;
- b. Establishing eligibility criteria, information requirements, and procedures for training providers;
- c. Developing an approval process for training providers that have met minimum eligibility criteria by Local Workforce Boards; and
- d. Taking appropriate enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA.

### **Colorado Department of Higher Education (CDHE)**

CDHE is responsible for:

- a. Hosting the ETPL through a web-based platform;
- b. Disseminating the State list, accompanied by performance and cost information for each program, to the public and the Local Workforce Boards throughout the State;
- c. Establishing the web application and tracking system for use by training providers, Local Workforce Boards, and CDLE;
- d. Receiving and reviewing training provider applications for minimum eligibility criteria and performance requirements;
- e. Posting locally-approved training programs to the State list in a timely manner; and
- f. Removing programs that do not meet required criteria or performance requirements.

### **Local Workforce Development Board (LWDB)**

- a. Establish a local policy that includes the following:
  - i. Identification of in-demand sectors or occupations for the local area using relevant labor market information;
  - ii. Priority consideration for programs that lead to recognized post-secondary credentials that are aligned with in-demand industry sectors or occupations in the local area;
  - iii. Establishment of additional eligibility criteria for training programs to become or remain eligible in the local area (optional); and
  - iv. Establishment of specified levels of performance as criteria for programs to become or remain eligible to provide services in the local area (optional).
  - v. If a Local Board establishes minimum standards in local policy, the Local Board may direct the removal of a provider program from the eligible programs in that local area for failure to meet established criteria.

- b. Following local procedures to review training program applications and to apply additional local criteria, if applicable, within 30 days of the receipt of a complete application from the state;
- c. Communicating to CDLE if there are insufficient numbers and types of providers of 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;
- d. Ensuring the distribution and use of the ETPL throughout the local area and providing information to the customer to make an informed choice;
- e. Notifying CDLE and the Colorado Department of Higher Education (CDHE) when they wish to remove an eligible training provider from the list (see Local Workforce Development Board and Appeals section for removal procedures); and
- f. Following the appeal process for training providers rejected as an Eligible Training Provider or later removed for cause.

### **Arapahoe/Douglas Works! Employees**

The following procedures shall be followed before authorizing Individual Training Accounts and Training Authorizations for customers:

- a. All employees must check the state eligible training provider's list. The program of choice must show "Eligible" on the ETPL site before agency dollars are spent.
- b. If the program of choice is not "Eligible," the employees may contact the training provider and provide instructions for the eligibility process.

### **PERFORMANCE REQUIREMENTS**

Arapahoe/Douglas Works! has historically required all WIA service programs to follow the eligible training provider process and submit program data annually. To align with the performance requirements under WIOA, Arapahoe/Douglas Works! will continue to require that approved vendors submit program data and other applicable performance measure criteria as deemed appropriate for the local area. This will ensure a review process is in place for all training paid for by Arapahoe/Douglas Works!

The Arapahoe/Douglas Works! Workforce Development Board is charged with adjusting performance standards for eligible training providers based upon local economic and demographic conditions. The ADW! Workforce Development Board shall adjust the performance standards on an annual basis or as needed.

The performance information required is outlined in [Attachment 1](#) of PGL. As mentioned above, social security numbers must be provided for all students in Colorado (who participated in the programs intended for the ETPL) for the previous two fiscal years (October 1 – September 30). The online application system will provide a secure means to transmit the data file. Training providers that have not been in existence for at least two years will be required to provide student data for the time period available. Social security numbers for all Colorado students will continue to be required going forward and will be used to calculate the performance measures. Performance information will be published online for each training provider on the ETPL. Programs with less than 10 students enrolled during a fiscal year will not be included in performance data to maintain confidentiality of the individual participants.

### **EXCEPTIONS TO THE ITA AND THE ETPL REQUIREMENTS**

There are several exceptions to the required use of an ITA for training. In situations covered by these exceptions, a contract for services may be used to provide for training in lieu of the ETPL process.

1. On-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience, and transitional employment are not included in the eligible training provider list and therefore are not subject to the eligibility requirements. Local Workforce Boards are required to identify their criteria for selecting such contractors in local policy and any performance information required by the state will be specified in the specific policies for those types of training.
2. Where a Local Workforce Board determines there are an insufficient number of eligible providers in the local area to accomplish the purpose of an ITA. The local plan and local policy must describe how this determination was made and the process used for contracting for services.
3. If the Local Workforce Board determines that a community-based organization (CBO) or nonprofit whose primary mission is to serve individuals with barriers to employment provides effective training services. The Local Workforce Board must develop criteria in local policy to determine that the program is effective.
4. Training for multiple individuals in in-demand industry sectors or occupations, as long as the contract does not limit the individual's consumer choice.
5. Circumstances in which a pay-for-performance contract is appropriate, if the Local Workforce Board chooses to utilize this strategy.

Registered apprenticeship programs are not subject to the same application or performance reporting requirements as other providers because they go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the United States Department of Labor (USDOL). Any apprenticeship program may remain on the ETPL as long as it remains registered by the USDOL Office of Registered Apprenticeship.

#### **CONDITIONS FOR REMOVAL**

The state may remove a program or programs from the list for failing to meet the established criteria or performance levels in this policy, or for not providing all required performance information for subsequent eligibility. Removal is also appropriate if the program has failed to attain or lost the accreditation required for professional licensure. Where a Local Workforce Board has established minimum performance standards, the Local Workforce Board may remove a provider program from the eligible programs in that local area for failure to meet established criteria.

The state must remove from the eligibility list any providers that willfully supply false performance information, misrepresent costs or services, or that substantially violate requirements of WIOA law or regulations. Providers deemed ineligible will be removed from the list for a period of not less than 2 years. Providers are liable to repay all adult and dislocated worker funds received during the period of non-compliance.

No training provider debarred by the Federal Government may be permitted to be placed or remain on the ETPL.

In the case of a training provider or a program of training services that is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

Any performance information required for ETPL exceptions, which include on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience, and transitional employment, will be specified in separate state and local policies for those types of training.

### **LOCAL WORKFORCE DEVELOPMENT BOARD AND APPEALS**

The Local Workforce Development Board has the responsibility for marketing information to local training providers so they will be aware of the approved list and potential providers will be informed of the application process. The Local Workforce Development Board will inform the local training providers on how to access the application, collect the completed regional applications, review them, and electronically forward the approved applications. Any appeals/concerns to a Board decision will be forwarded to a Arapahoe/Douglas Works! Programs Manager for resolution and further action as required per the following procedure:

1. The denied party may submit a letter citing their reasons for an appeal to the Arapahoe/Douglas Works! Programs Manager within 30 days of the formal Denial for Eligibility.
2. The Arapahoe/Douglas Works! Programs Manager will deliver a decision within 15 days.
3. If the denied party disagrees with the Arapahoe/Douglas Works! Programs Manager, they may appeal to the Deputy Division Manager within 15 days of the Arapahoe/Douglas Works! Programs Manager's decision via a formal letter citing the reasons for their appeal.
4. The Arapahoe/Douglas Works! Deputy Division Manager will deliver a decision within 15 days.
5. If the denied party disagrees with the Arapahoe/Douglas Works! Deputy Division Manager, they may appeal to the Division Manager within 15 days of the Arapahoe/Douglas Works! Deputy Division Manager's decision via a formal letter citing the reasons for their appeal.
6. The Division Manager will deliver a decision within 15 days.
7. If the Denied party disagrees with the Division Manager's decision, they may appeal to the Executive Director of the Colorado Department of Labor and Employment within 15 days of the Arapahoe County Director of Community Resources decision via a formal letter citing the reasons for their appeal.
8. The decision of CDLE is the final determination.

Training providers can choose to appeal the rejection of their program for inclusion in the ETPL or its subsequent termination of eligibility. For any appeal by a training provider, an appeal must be submitted in writing via email to CDLE within 14 days after notification of the decision. The appeal must include the justification for the appeal in their request. The training provider also has the right to request a hearing to discuss their appeal.

An ETPL appeals board will be assembled consisting of a representative of CDHE management, a representative of CDLE management, and the local workforce area Division Manager. The appeals board will schedule a hearing if requested and make a decision within 60 days of appeal. This will be a final decision and the program will be unable to reapply through the ETPL eligibility process for one year from the date of final notification by the ETPL appeals board.