

SNAPSHOT

Subject:

Eligible Training Providers for WIOA Title I Adult and Dislocated Worker Programs

ALL JULY 2023 REVISIONS ARE HIGHLIGHTED IN YELLOW

PURPOSE

To establish guidance, process and procedure in regards to implementing the Eligible Training Provider requirements in the transition from the Workforce Investment Act of 1998 to the Workforce Innovation and Opportunity Act of 2014.

BACKGROUND

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.

Colorado's ETPL is administered in partnership with the Colorado Department of Higher Education using an online system accessible at <http://cotrainingproviders.org>. This online platform coincided with the implementation of WIOA to provide enhanced features and accessibility to our shared customers.

POLICY/ACTION

Definitions: **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 a program of training services to eligible individuals. An eligible training provider is the only type of entity that receives funding for training services through an ITA. Eligible training providers may also receive Title I Youth funds through ITAs under certain conditions.

Program of training services is defined as one or more courses or classes, or a structured regimen, which lead to:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State of Colorado or the Federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent;
3. Employment; or
4. Measurable skill gains toward a credential described in (1) or (2), or employment.

B. Continued Eligibility

After the initial eligibility period of one full fiscal year, training providers must submit online applications through the website for continued program eligibility every two years. Registered apprenticeship programs are verified through a separate process with the Office of Apprenticeship State Director. 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):

1. The total number of participants enrolled in the program;
2. The total number of participants completing the program;
3. The total number of participants exiting the program;
4. Information on recognized post-secondary credentials received by program participants;
5. Information on the program completion rate for such participants;
6. Description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology;
7. Description of how the providers provide training services **that are accessible** to individuals who are employed and/or individuals with barriers to employment, **including individuals with disabilities**;
8. Information reported to State agencies on Federal and State training programs other than programs within WIOA title I-B; and
9. 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 corresponding PGL**. Registered apprenticeship programs are not subject to this requirement.

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. Requests should be submitted via **the ETPL Service Request Form**.

10. State Apprenticeship Agency Staff

State apprenticeship staff is responsible for:

- a. Communicating the ETPL opportunity to **new/existing** registered apprenticeship program **sponsors** in Colorado;
- b. **Making updates to the ETPL** when a new program becomes registered or when a program loses registration status in the state; and
- c. Verifying the registration status of currently registered apprenticeship programs every two years, at a minimum, for continued ETPL eligibility.

C. 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, including a public comment period for interested providers of at least 30 days, 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 with the United States Department of Labor (USDOL). Any apprenticeship program in Colorado, including national registered apprenticeship programs, may remain on the ETPL as long as it remains registered by the USDOL Office of Registered Apprenticeship, the Colorado State Apprenticeship Agency, or another State Apprenticeship Agency recognized by the USDOL. Registered apprenticeship programs that are accepting applications are automatically considered in-demand occupations.

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.

D. Appeal Process ***If Appealing State Decision***

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 michelle.medina-et@state.co.us 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 director. 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 at least one year from the date of final notification by the ETPL appeals board.