OFFICE OF THE GOVERNOR

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GOVERNOR

STATE OF ALABAMA

DEPARTMENT OF COMMERCE

GREG CANFIELD
SECRETARY OF COMMERCE

October 5, 2015

MEMORANDUM

TO: All Eligible Training Providers

FROM: Tammy P. Wilkinson TPW
State Reporting & Technical Assistance Section
Workforce Development Division

SUBJECT: Governor's Workforce Innovation Directive re: Eligible Training Providers List

Attached you will find a Governor's Workforce Innovation Directive regarding the State's new policy regarding the Workforce Innovation and Opportunity Act (WIOA) Eligible Training Provider List (ETPL). Since a new federal law has been enacted as of July 1, 2015, a new policy has been developed and issued. This directive provides the instructions for those currently approved as an Eligible Training Provider as well as instructions for new training providers.

Please read the policy carefully and pay specific attention to the deadline date of December 31, 2015. As of January 1, 2016, any training provider who has not complied with the requirements will be removed from the ETPL.

Significant changes to the new policy are minimum performance standard for current providers, information regarding access to current training programs, and information regarding dropout rate of all students. All applications and additional information are to be sent to the Alabama Department of Commerce, Workforce Development Division for review and/or approval. Local workforce areas may set additional eligibility criteria for already State level approved providers but that will only affect the providers in that local area.

Training programs offered by new or current training providers must align with in-demand industry sectors and occupations. In-demand industry sectors and occupations will be determined using Alabama's Labor Market Information, Alabama's High Demand Occupations and any other relevant labor market information as determined by the State Board.

You may contact Jessica Dent or me if you have any questions, comments, etc. at Jessica.dent@commerce.alabama.gov or tammy.wilkinson@commerce.alabama.gov. I truly appreciate your assistance with this and as always we appreciate the services you provide to our WIOA participants.

ALABAMA WORKFORCE INVESTMENT SYSTEM
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Workforce Development Division
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GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2015-03

SUBJECT: Workforce Innovation and Opportunity Act Eligible Training Providers Policy

1. Purpose. This directive transmits the State's policy regarding the Workforce Innovation and Opportunity Act (WIOA) Eligible Training Providers List in order to continue eligibility and to provide the procedures for potentially new training providers.

2. Discussion. Under WIOA, States shall establish initial eligibility for WIA eligible training provider and certified training programs in order to continue to be eligible to provide training services until December 31, 2015. WIOA initial eligibility (for all current training providers on the ETPL) expires on December 31, 2015. All current training providers and their current programs are grandfathered in as eligible training providers. Procedures are included in this policy for current training providers to seek continued eligibility. Under WIOA, the State shall also establish a procedure to determine the eligibility of new training providers. The criteria and procedures for new training providers are included in the attached policy. It is the responsibility of the Workforce Development Division to collect the required information from all Eligible Training Providers, who provide services to WIOA participants in Alabama. This Directive supercedes all previous directives regarding policies, collection of performance, costs and other information on the ETPL including GWDD No. PY2002-03 through PY2011-23, change 2.

3. Action. It is the responsibility of the local workforce development areas and the training providers to review the attached policy and instructions and adhere to the established procedures.

   Attached are the policy and forms to use in the continued eligibility process and/or the application process for new training providers. The required information is to be submitted to the Workforce Development Division and information updated on the website, www.ETPL.alabama.gov, for each current program by December 31, 2015. Training providers are required to enter the information on the Eligible Training Provider List website. Training providers are strongly encouraged to keep the performance information listed on the ETPL website up-to-date. Training providers' information will be reviewed at least every 24 months for renewal purposes. Training providers, who fail to follow the continued eligibility instructions by December 31, 2015, will be removed from the ETPL without exception.

4. Contact. Any questions regarding this Directive should be addressed to Jessica Dent, Workforce Development Division, at (334) 353-3256.

Steve Walkley, Division Director
Workforce Development Division

Attachment 1: Alabama's Eligible Training Providers List Policy

Workforce Innovation and Opportunity Act (WIOA)
Alabama's Eligible Training Provider List

Policy

The Workforce Innovation and Opportunity Act (WIOA) is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. Under WIOA, participants in need of training services may access career training through a list of approved training providers and training programs. The eligible training provider list is compiled to provide participants a full array of training programs designed to meet their needs for job readiness or a career pathway. WIOA requires states to establish procedures to determine eligibility for training providers and training programs. Only those eligible training providers and their eligible programs will be included on Alabama's Eligible Training Provider List (ETPL). Only those training providers and programs listed on the ETPL will be utilized by the Career Centers for Individual Training Accounts.

Under WIOA, States are to establish initial eligibility for former Workforce Investment Act (WIA) eligible training providers and certified training programs in order to continue to be eligible to provide training services until December 31, 2015. WIOA initial eligibility expires on December 31, 2015. In order to provide continuity of training services under WIOA from WIA, all current training providers and their current programs are grandfathered in as eligible training providers until their initial eligibility expires.

Immediately following the issuance of this policy, all current training providers must complete an updated Provider Information form (attached to this policy), and submit a list of the current programs with the cost of each program and the length of the training program in weeks along with a letter from the signatory authority indicating their interest in continuing to provide training services to our WIOA participants.

Current providers of training services must seek continued eligibility by following the application instructions included. **Training providers that do not submit eligibility information for each program by December 31, 2015 will be removed as an eligible training provider as of January 1, 2016. No exceptions.** New providers of training services must follow the application instructions indicated in this policy in order to be considered for approval for the ETPL.

For Alabama, in order to be an eligible training provider under WIOA, requirements include the following:

1. The training provider must be one of these:
    a. Post-secondary education institution;
    b. Registered Apprenticeship program approved by the U.S. Department of Labor and currently listed on their website;
    c. Other public or private provider of training, which may include joint labor-management organizations and eligible provider of adult education and literacy activities **and** such activities are provided in combination with occupational skills training;
    d. Local Board, if the Governor of the State grants a written waiver to the Local Board citing an insufficient number of eligible providers to meet the local demand for training programs **and** that the local board meets the other training provider criteria, i.e. performance, **and** that the training programs are preparing participants for in-demand industry sector or occupations in their local area; WIOA sec. 107(g)(1); or
    e. Community Based Organization (CBOs) or private organization of demonstrated effectiveness that provides training under contract with the Local Board.

2. Training provider must have a private school license or an appropriate exemption issued by the Alabama Community College system (ACCS). Private school licensure is to be submitted with the application and status will be verified accordingly.

3. Training provider must have a training program or programs that:
    a. Result in a recognized post-secondary credential or employment; and
    b. Are delivered in person, on-line, or in a blended approach with an actual physical location, i.e. a campus, classroom, facility, in the state of Alabama; and
    c. Are short term, 104 weeks or less of training; and
    d. Are reasonable in cost in comparison with other training programs offered by other providers in a region, a local area, or throughout the state; **and**
    e. Have measureable performance for all students.

Training programs that are not appropriate for the ETPL and will not be included are On-the-job training, customized training, incumbent worker training, transitional employment, or other training services described in WIOA sec. 134(c)(3)(G)(ii).

All Registered Apprenticeship programs registered with the U.S. Department of Labor, Office of Apprenticeship are **automatically** eligible to be included as an eligible training provider. Registered Apprenticeship programs are not subject to the same requirements as other providers since they go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the United States Department of Labor. Note: Pre-apprenticeship programs do not have the automatic eligible training provider status under WIOA.

Initial Eligibility for New Providers

New providers must provide the following to the Workforce Development Division to be considered for initial eligibility:

1. A completed Alabama training provider application indicating that they meet the above three criteria;
2. A description of each training program to be offered;
3. Information addressing performance, (1) percentage of program participants in unsubsidized employment during the second quarter after exit from the program, (2) percentage of program participants in unsubsidized employment during the fourth quarter after exit from the program, (3) the median earnings of program participants in unsubsidized employment during the second quarter after exit from the program, and (4) percentage of program participants who obtain a recognized post-secondary credential during participation in or within 1 year after exit from the program.
4. Information supporting a minimum 40% student completion rate and a minimum 40% student employment rate for each training program submitted for ETPL approval.
5. Information regarding partnership with businesses. This may include information about the quality and quantity of employer partnerships, contribution of business input into training program or curriculum, or availability of businesses to mentor students.
6. Information regarding the dropout rate of all students.
7. Information that addresses the alignment of the training program with in-demand industry sectors and occupations. Alabama's Labor Market Information report, Alabama's High Demand Occupations, and any other relevant labor market information will be utilized to determine in-demand sectors and occupations.

All training programs offered must be physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities. Training programs should be designed to meet the needs of employers and provide the participants with the necessary skills to obtain employment. While not required, it is highly recommended to include on the application, the student loan default rate for the training provider.

Initial Eligibility for new providers will be granted for one year. Before the one year initial eligibility expires, providers will be expected to submit the criteria for continued eligibility. Continued eligibility will be reviewed at least every two years to determine suitability and appropriateness for the ETPL.

All Registered Apprenticeship programs must submit a letter requesting to be included on the ETPL and the letter should include (1) the occupations included within the program, (2) name and address of the program sponsor, (3) name and address of the Related Technical Instruction provider, and the location of instruction, if different from the program sponsor's address, (4) method and length of instruction, and (5) the number of active apprentices.

Registered Apprenticeship programs will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the ETPL. An application and performance are not required. Registered Apprenticeship programs are not subject to the initial eligibility period.

Continued Eligibility for Current Providers

Current providers must provide the following information to the Workforce Development Division for continued eligibility on the ETPL:

1. Performance of each program specifically addressing, (1) percentage of program participants in unsubsidized employment during the second quarter after exit from the program, (2) percentage of program participants in unsubsidized employment during the fourth quarter after exit from the program, (3) the median earnings of program participants in unsubsidized employment during the second quarter after exit from the program, and (4) percentage of program participants who obtain a recognized post-secondary credential during participation or within 1 year after exit from the program.
2. Information supporting minimum performance standards of (1) minimum 40% completion rate for ALL Students within the program, (2) minimum 40% employment rate for ALL students within the program, (3) minimum 60% completion rate for WIOA participants, (4) minimum 60% employment rate for WIOA participants, and (5) average wage for WIOA participants after program completion. After two years of eligibility and at renewal, the minimum raises to 50% completion rate and employment rate for ALL students within the program and a minimum of 70% completion rate and employment rate for WIOA participants.
3. Program cost information, including tuition and fees. Cost must be the same for ALL students.
4. Information identifying the recognized post-secondary credentials or industry recognized certificates and/or credentials, specifically those received by WIOA participants.
5. Information supporting continued private school licensure or exemption as provided by the Alabama Department of Post-Secondary Education.
6. Information regarding access to training program throughout the State including rural areas and through the use of technology.
7. Information as to the degree the training program relates to in-demand industry sectors and occupations.
8. Information regarding the dropout rate of all students.

All training programs offered must be physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities. Training programs should be designed to meet the needs of employers and provide the participants with the necessary skills to obtain employment. While not required, it is highly recommended to include on the application, the student loan default rate for the training provider.

Should a current provider be unable to provide performance as described above, the State will assist in providing employment data to providers until Dec. 31, 2016, at which time providers will be responsible for obtaining employment data on all students and WIOA participants. If unable to provide performance information at renewal, then the training program will be removed from the ETPL until the information is submitted.

Program costs, including tuition, fees, etc., should be updated as often as necessary to remain current on the ETPL website. The local workforce development areas will only cover the cost that is listed on the ETPL website or up to the maximum allowed by the local workforce development board/area. It is very important that the training provider maintain accurate cost information on the ETPL website.

Continued eligibility will be reviewed at least every two years to determine renewal, suitability and appropriateness for the ETPL. The above information will be requested at that time and if not provided, the training program and/or provider will be removed until information is submitted. Provider has 90 days after removal to provide the required information. After that, a new application is required for the training provider.

Role of State and Each Local Workforce Development Board

Role of the State: The Alabama State Workforce Development Board as deemed by the Governor has the responsibility for establishing the eligibility criteria and procedures for initial determination and renewals of eligibility for training providers and training programs to receive funds under the Workforce Innovation and Opportunity Act (WIOA). The Workforce Development Division has the responsibility for managing and disseminating the approved list of eligible training providers to include receiving current and potential training providers information for renewal or approval; adding, reviewing and renewing Registered Apprenticeship programs for the ETPL; enforcing the ETPL policies, procedures and regulations; determining if state-established minimums have been met; monitoring providers to ensure compliance; addressing complaints and/or issues concerning participants; removing training programs and/or training providers as necessary; and managing the appeals process for providers to appeal a denial of eligibility. Training providers and programs will be reviewed within two years from the date of approval and addition to the ETPL.

Role of Local Workforce Development Boards: The Local Workforce Development Boards have statutorily required responsibilities related to eligible training providers. Local Boards must work with the State to ensure that there are sufficient numbers and types of training providers serving the local area, and ensuring the State's eligible training provider list is disseminated publicly through the local one-stop system and its partner programs.

The Local Workforce Development Board may set additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the State's procedure. Any additional requirements established by the Local Board will only affect a program's eligibility and performance level eligibility requirements within the local area. Local Boards may elect to give priority to local training providers with established performance and relationships within the local area while ensuring customers' choice of any approved training provider on the State's ETPL is given appropriate consideration.

Eligible training providers outside the Local Area or State

Under WIOA, each state is responsible for compiling and disseminating an Eligible Training Provider List of training programs. A WIOA participant in Alabama may choose a training provider located outside the local workforce development area, and/or, in some instances, outside the State. The training provider selected by the WIOA participant must be in an adjoining State, i.e. Mississippi, Florida, Georgia, Tennessee, and be included on the respective State's ETPL approved list. Training providers that are located outside the State are not subject to the Alabama's eligibility procedures if the provider has been determined eligible by another State and are providing services outside the State.

Appeals Process for Training Providers Deemed Ineligible or Denied Initial Eligibility

Training providers must deliver results and provide accurate information in order to retain its status as an eligible training provider under the WIOA. The State may revoke a training provider's eligibility and remove the provider from the list of approved providers for false reporting, substantially violating a provision of Title I of WIOA or its implementing regulations, or failure to meet required performance outcomes or provide required/requested information. All training providers are subject to the equal opportunity and nondiscrimination requirements under WIOA, Section 188.

The Workforce Development Division will be responsible for the removal of training providers and/or programs from the approved ETPL. Should a training provider be removed from the approved list, the removal period will be for a minimum of two years and the provider may be subject to repayment of any WIOA funds received during the period of noncompliance. Training providers that have been removed from the ETPL will be afforded an appeal to the Deputy Secretary of Workforce Development at the Alabama Department of Commerce.

Training providers requesting an appeal of removal from the ETPL should provide a letter from the signatory authority, a completed appeal form and detailed justification for retaining approval including any supporting facts. The appeals package should be no more than five (5) pages and should be sent to the Workforce Development Division, Attention ETPL Appeals.

A training provider may be placed in probationary status provided the training program or programs approved for the ETPL fall below the minimum required completion rate and employment rate after initial eligibility expires. The provider will be required to submit periodic updates indicating improvements. Continued failure to meet or exceed the minimum standards set by this policy will result in removal from the ETPL. Probationary status may not exceed one year.

Potential training providers requesting an appeal of initial eligibility denial from the State's ETPL should provide a letter from the signatory authority, a completed appeal form and detailed justification for approval including any supporting facts. The appeals package should be no more than five (5) pages and should be sent to the Workforce Development Division, Attention ETPL Appeals.

For specific information regarding local area appeals, contact the local workforce development area.