

ALABAMA WORKFORCE DEVELOPMENT SYSTEM
Department of Commerce
Workforce Development Division
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November 30, 2018

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2015-03, Change 3

SUBJECT: Workforce Innovation and Opportunity Act Eligible Training Providers

1. Purpose. This directive transmits the State's revised policy for the Workforce Innovation and Opportunity Act (WIOA) Eligible Training Providers. This removed outdated information regarding the transition from Workforce Investment Act (WIA) to WIOA and updates program performance information.

2. Discussion. Under WIOA, States are to establish a procedure to determine eligibility for new training providers and one for continued eligibility of current training providers. It also states that submission of the performance, program costs, and any additional information required for each individual WIOA-certified program must be submitted every two years to the Workforce Development Division. The revisions to this policy include removing outdated information regarding the transition from WIA to WIOA; simplifies the performance information for initial and continued eligibility; clarifies the dropout rate pertains to the training provider and not an individual program. The policy also encourages training providers to include soft or employability skills for students in the programs and to award any certificates/certifications or credentials to the students when attained and to refrain from holding those until the end of the program. The policy reduces the minimum completion and employment rates to 50% for WIOA participants for the continued eligibility for current providers. The current standard of 70% was not being met by programs due to current economic conditions and other factors. After reviewing the current performance and minimum standards, it was determined that it is in the best interest to reduce the minimum standards. Another major change to the policy is the addition of required information on all students being served in the ETPL approved programs. This information is required by the U.S. Department of Labor for the ETA-9171 Eligible Training Provider performance report. Please note that this information must be reported for the approved programs even if WIOA participants were not served during the reporting period.

3. Action. It is the responsibility of the local workforce development areas and the training providers to review the attached policy. This revised policy will also be posted on the website, www.madeinalabama.com, under the Governor's Workforce Innovation Directives.

Training providers are required to enter performance 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 to ensure that it remains current and meets establish performance goals for continued eligibility. The minimum 50% completion and employment rate for WIOA participants is required for continued eligibility.

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



Steve Walkley, Division Director
Workforce Development Division

Attachment: Revised Eligible Training Provider 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.

Current providers of training services must seek continued eligibility by following the application instructions included. 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;
 - e. Must not exceed the maximum cost of \$20,000; and
 - f. Have measurable performance for all students as required by the Alabama Workforce Development Board.

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).

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 that have obtained employment after completing the program, (2) the median earnings of program participants in employment, and (3) percentage of program participants who obtain a recognized post-secondary credential during participation in or after completing 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 enrolled with the training provider.
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.

8. Private-for-profit training providers should provide copies of their current state and local business licenses and registration with the Alabama Secretary of State to conduct business in Alabama.

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. Training providers are encouraged to include soft skills or employability skills in their programs. 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 only one year for a program. Before the one year initial eligibility expires, providers will be expected to submit the criteria for continued eligibility. If initial eligibility expires and the updated information is not provided, the new provider and its programs will be removed from the approved list. Continued eligibility will be reviewed at least every two years to determine suitability and appropriateness for the ETPL.

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 after completing the program, (2) the median earnings of program participants in unsubsidized employment after completing the program, and (3) percentage of program participants who obtain a recognized post-secondary credential during participation or after completing 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 50% completion rate for WIOA participants, (4) minimum 50% employment rate for WIOA participants, and (5) average wage for WIOA participants after program completion.
3. Program cost information, including tuition and fees. Costs must be the same for ALL students. Costs per program must not exceed the maximum of \$20,000.
4. Information identifying all of the recognized post-secondary credentials or industry recognized certificates and/or credentials, specifically those received by WIOA participants. *Training providers are encouraged to award the students who have attained credentials or certifications during the participation of the program.*
5. Information supporting continued private school licensure or exemption as provided by the Alabama Community College System.
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 enrolled with the training provider.
9. Private-for-profit training providers should provide copies of their current state and local business licenses and registration with the Alabama Secretary of State to conduct business in Alabama.

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 upon completion of the program. While not required, it is highly recommended to include on the application, the student loan default rate for the training provider.

The training providers are required to submit necessary information on all students being served in the approved programs so that the State can submit program information to the U.S. Department of Labor in the ETA-9171 report. The following is a list of required data for all students that must be submitted to the State:

- The number of students served;
- The number of students who completed, withdrew or transferred out of the program;
- The number who completed the program;
- The number of those who ended the program and were employed within 6 months after ending;
- The number of those who ended the program and were employed within 1 year after ending;
- Median earnings of those who ended the program and were employed within 6 months after ending;
- The number of those who attained a credential during participation or after completion of the program;
- Average earnings of those who ended the program and were employed within 6 months after ending; **and**
- Average earnings of those who ended the program and were employed within 1 year after ending.

The timeframe for each of these number counts will be given to the training provider so that the reports are timely and accurate. Should a current provider be unable to obtain performance as described above, the State may assist in providing employment and wage data matches on behalf of the providers for WIOA and non-WIOA students. For all non-WIOA students, the training provider will need to provide pertinent information in order to obtain employment and wage data. If unable to provide performance information or unwilling to provide necessary information for the State to obtain the required performance information at renewal, then the program will be removed from the ETPL until the information is submitted to the State. WIOA

requires that the above information be reported for all approved programs on the ETPL, and therefore, this information must be reported for the programs even if WIOA participants were not served during the reporting period.

Program costs, including tuition, fees, etc., should be itemized and 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. Only the providers that are determined eligible and remain so with approved programs may receive training funds under WIOA for participants' training services.

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. A Training Provider has 90 days after removal to provide the required information. After that, a new application is required for the training provider.

Registered Apprenticeship programs

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.

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.

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 Alabama Department

of Commerce, 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, or Tennessee, and be included on the respective State's ETPL approved list. Training providers that are located outside the State are not subject to Alabama's eligibility procedures if the provider has been determined eligible by another State and 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 Acting Deputy Secretary of Workforce Development within 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 appropriate local workforce development area.

NOTE: No Training Provider should establish a training program solely dependent upon providing training funded with Workforce Innovation and Opportunity Act (WIOA) funds. Training programs should serve the general public and have enough capacity to also provide services to WIOA-funded participants.