



Department of Labor and Training

Center General Complex
1511 Pontiac Avenue
Cranston, RI 02920-4407

Telephone: (401) 462-8000
TDD: (401) 462-8006

Gina M. Raimondo
Governor
Scott R. Jensen
Director

WORKFORCE INVESTMENT NOTICE: 15 - 09

TO: WORKFORCE INVESTMENT AREAS

FROM: David Tremblay, Administrator-State Workforce Investment Office

SUBJECT: WIOA Certification Process for Eligible Training Providers/Programs

DATE: January 1, 2016

- 1. PURPOSE:** To issue updated policy and procedures regarding the State's Eligible Training Provider List's initial and continuing eligibility in accordance to the Workforce Innovation and Opportunity Act signed on July 22, 2014.
- 2. REFERENCES:** WIOA Title I sec. 116 & sec. 122, ETA Training and Employment Guidance Letter (TEGL) No. 41-14, ETA Training and Employment Guidance Letter (TEGL) No. 15-10, and Federal Register NPRM sec. §680.400 – §680.510, and §677.230.
- 3. BACKGROUND:** Rhode Island's Eligible Training Provider List (ETPL) identifies training providers who qualify to receive WIOA funds to train adults, dislocated workers, and out of school youth. The State's ETPL and 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 and State agencies in creating and maintaining a list of eligible training providers.

4. Definitions:

Credential = [ETA TEGL No. 15-10, Credential Resource Guide attachment]

The term *credential* refers to a verification of qualification or competence issued to an individual by a third party with the relevant authority or jurisdiction to issue such credentials (such as an accredited education institution, an industry-recognized association, or an occupational association or professional society).

- Commonly used educational credentials include:

1. Educational diplomas, certificates and degrees;
2. Registered apprenticeship certificates;
3. Occupational licenses (typically awarded by State government agencies);
4. Personnel certifications from industry or professional associations; and
5. Other skill certificates for specific skill sets or competencies within one or more industries or occupations (e.g. writing, leadership, etc.).

Completed = Attended all weeks of training and met all the requirements for a degree or certificate according to the institutions catalog.

Completer/Credential Attained = A student “completer” (see preceding definition) who receives a degree, diploma, certificate, or other format industry recognized credential. In order to be considered a “completer/credential attained”, the degree/award or license must actually be conferred.

[US Department of Education, Institute of Education Sciences, NCES, IPEDS Glossary; <http://nces.ed.gov/ipeds/glossary>]

Exited = A student who leaves the program of study having completed or otherwise.

5. Inquiries: Questions concerning this issuance may be directed by phone or by email at:

Rhode Island Department of Labor and Training
Governor’s Workforce Board RI
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
(401) 462-8860 Phone (401) 462-8865 Fax
www.dlt.ri.gov | www.gwb.ri.gov

6. Attachments: Certification Process for Eligible Training Providers/Programs.

CERTIFICATION PROCESS FOR
ELIGIBLE TRAINING PROGRAMS/PROVIDERS

TABLE OF CONTENTS

I.	Introduction	I – 7
A.	Eligible Provider Entities	I – 7
B.	Eligible Program of Training Services	I – 8
C.	Criteria for Eligibility	I – 10
a.	State Criteria	I – 10
b.	Local Criteria	I – 10
D.	Solicitation	I – 10
	Apprenticeship	I – 10
	Other Eligible Entities	I – 11
II.	Initial Eligibility Determination	II – 12
A.	Transition Period	II – 12
B.	Application Process	II – 12
	Real Jobs RI	II – 13
	Apprenticeship	II – 13
C.	Performance Information Required	II – 14
D.	Program Cost	II – 14
E.	Insufficient Performance Information	II – 14
F.	Provision	II – 15
G.	Review and Certification Process	II – 15
H.	Limitation	II – 15
III.	Continuing Eligibility Determination	III – 16
A.	Transition Period	III – 16
B.	Eligibility Status	III – 16
	Real Jobs RI	III – 16
	Apprenticeship	III – 16
C.	Performance Information	III – 17
D.	Program Cost	III – 18
E.	Supplementary Information	III – 18
IV.	Identification and Maintenance of Eligible Provider List	IV – 19
A.	Submissions	IV – 19
B.	Publication of List	IV – 19
V.	Eligible Providers of Youth Workforce Investment Activities ..	V – 20

VI.	<u>Compliance Requirements</u>	VI – 21
A.	<u>Corrective Action</u>	VI – 21
B.	<u>Denials</u>	VI – 21
C.	<u>Repayment of Program Funds</u>	VI – 22
D.	<u>Appeal Process</u>	VI – 22
	a. <u>First Level Appeal</u>	VI – 22
	b. <u>Final Level Appeal</u>	VI – 22
VII.	<u>Opportunity to Submit Comments</u>	VII – 23

I. Introduction: [Ref. – Act Sec. 122(a); Regs. – Subpart D §680.400]

WIOA was signed into law on July 22, 2014. WIOA was 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. WIOA supersedes titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act of 1933, as amended, and the Rehabilitation Act of 1973.

Under both WIA title I and WIOA title I-B, participants in need of training services to enhance their job readiness or career pathway may access career training through a list of state-approved training providers and their state-approved training programs. Participants can select from the list of eligible training provider (ETP) programs that meet their needs. WIOA title I-B builds upon and modifies the system in place under WIA title I.

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, career pathways, and continuous improvement. The quality and selection of providers and programs of training services, including Registered Apprenticeship programs and others, is vital to achieving these core principles. The State plays a leadership role in ensuring the success of the eligible training provider system in partnership with Local Boards, the one-stop system, and its partners. The approved list of eligible training providers should serve as an important tool for participants seeking training to identify appropriate providers, and relevant information such as cost and program outcomes.

Determining ETPL eligibility is a two tier approach. First, the training provider must be an eligible entity to apply for the ETPL and secondly, the training programs offered by the training provider must meet eligibility and performance criteria to be listed on the ETPL.

A. Eligible Provider Entities: In order to receive WIOA title 1-B funds, eligible providers shall be:

- 1) Institutions of higher education that provide a program which leads to a recognized post-secondary credential.

Entities requiring approval by the RI Board of Governors for Higher Education under R.I.G.L. §16-40 are considered eligible under this section.

- 2) Entities that carry out programs registered under the National Apprenticeship Act 29 U.S.C. 50 *et seq.*)

Under WIOA title I-B, Registered Apprenticeship Programs that request to be Eligible Training Providers (ETPs) are automatically eligible to be included in the State's Eligible Provider List (ETPL) and are not subject to the same application and performance requirements or to a period of initial eligibility or initial eligibility procedures. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State eligible provider list, registered apprenticeship programs will be included and maintained on the list for as long as the program remains registered under

the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. Pre-Apprenticeship programs do not have the same automatic ETP status. [Regs. Subpart D, §680.470; ETA TEGL 41-14 sec. 8(a)]

3) Other public or private providers of a program of training services, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training.

This includes Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with the Local Board. [ETA TEGL No. 41-14 sec. 4]

4) Local Boards, if they meet the conditions of WIOA sec. 107(g)(1).

5) Real Jobs Rhode Island and other Governor's Workforce Board Initiatives – The criteria to be considered a Real Jobs Rhode Island Training Provider mirror those outlined below for initial eligibility. Therefore, providers identified as part of a Real Jobs Partnership are deemed to have met all the requirements of initial eligibility. Furthermore, Real Jobs Rhode Island training providers will have gone through a detailed and extensive selection process and therefore are not subject to the same initial application process outlined in this policy. These providers however are still subject to performance requirements, a period of initial eligibility, and continuing eligibility. When other GWB initiatives involving training providers include the same criteria as the initial eligibility requirements outlined above they will be considered similarly.

B. Eligible Program of Training Services: A program of training services is one or more courses or classes, or a structured regimen that leads to:

- a) A recognized post-secondary credential, secondary school diploma or its equivalent,
- b) Employment, or
- c) Measurable skill gains toward such a credential or employment.

These training services could be delivered in person, on-line, or in a blended approach. The types of eligible training services under WIOA title I-B are similar to those approved under WIA title I with expanded options for incumbent workers, and the use of Local Board contracts for training services.

Exemptions:

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions in WIOA title I-B. Training services exempt from the Section 122 eligibility requirements include:

- On-the-job training; customized training; incumbent worker training; transitional paid or unpaid employment or work experiences; or

- The circumstances described in WIOA sec. 134(c)(3)(G)(ii), Training services authorized pursuant to a contract in lieu of an individual training account where the Local Board determines that:
 - There are insufficient providers, or
 - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
 - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice, or
- When the Local Board provides training services through a pay-for-performance contract.

Program Quality

The WIOA legislation mandates that providers of education and training meet certain specified performance levels. This performance information is required to ensure customers can effectively evaluate the quality of each training program. The performance and cost information that training providers must submit for their program(s) to be identified as eligible for WIOA funding is essential for ensuring consumers are able to make informed decisions on types of training that will lead to their individual success.

Factors determining quality of a training program include:

- the degree in which the training program relates to in-demand industry sectors and occupations;
- length and cost;
- training delivery method including reasonable access to individuals who are employed and individuals with barriers to employment, and the ability to access the training program in rural areas;
- credentials- how they are valued by an employer, and how they are associated with specific occupations;
- training program completion rates; and
- performance as defined by participant outcome information, taking into consideration the characteristics of the population served and relevant economic conditions, and information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable; and
- other allowable criteria as determined by the Local Board or the State, such as career pathways alignment.

Additional Information

In addition to the requirements listed for training program initial and continued eligibility, training providers must meet the following:

- a) Non-Discrimination: All training providers must comply with the nondiscrimination and equal opportunity regulations at 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions, and

the USDOL Section 188 Disability Reference Guide.

b) **Accessibility:** Training providers must provide physical and programmatic accessibility and reasonable accommodations/modifications, as required by Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; section 188 of WIOA; and the regulations implementing these statutory provisions.

C. Criteria for Eligibility:

a. State Criteria - In establishing criteria pursuant to WIOA sec. 122(b)(1), the State shall take into account each of the following:

- i.** Performance Accountability and Outcomes
- ii.** Ensure access to training services throughout the State (including use of technology)
- iii.** Dissemination of Performance Outcomes and training information
- iv.** Training must lead to “In-Demand” industry occupations
- v.** State licensing requirements and licensing status of providers
- vi.** Encouragement of industry recognized certifications
- vii.** Provider’s ability to offer a credential
- viii.** Quality of training
- ix.** Ability to serve individuals with barriers
- x.** Other;
 - a.** Compliance
 - b.** Informed Choice
 - c.** Providers must meet the needs of local employers and participants
 - d.** Accountability of providers
 - i.** Collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

b. Local Criteria: The Local Boards may establish criteria and information requirements in addition to the criteria and information requirements established by the State, or may require higher levels of performance than required by the State for purposes of determining the eligibility of providers of training services to receive funds. The criteria set by each Local Board will be described in their corresponding policy and contract.

D. Solicitation:

a. Apprenticeship

Registered Apprenticeship Programs can request to be added to the Eligible Training Provider List during their registration process with the Office of Apprenticeship. Once a Registered Apprenticeship Program has indicated that they desire to be placed on the ETPL, they will automatically be included in the State’s Eligible Provider List (ETPL) and are not subject to the same application and

performance requirements or to a period of initial eligibility or initial eligibility procedures. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State eligible provider list, registered apprenticeship programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. Pre-Apprenticeship programs do not have the same automatic ETP status. [Regs. Subpart D, §680.470; ETA TEGL 41-14 sec. 8(a)]

b. Other Eligible Entities

RI's Department of Labor and Training (DLT) and each Local Board may solicit an invitation to training providers to submit applications to apply for status as approved training providers. This solicitation may be done through a combination of direct mailings, newspaper notices and other appropriate means. DLT and the Local Boards may also solicit training providers from outside of the local area, including other states. DLT will be responsible for ensuring that the training providers have access to the forms for making application and to a list of demand occupations for its area. The application will be reviewed by the ETPL Application Team, consisting of members from the Local Board, the ETPL Coordinator, and DLT management.

Inquiries: If a student expresses an interest in a provider and the provider is an eligible entity but is not currently on the list, the State shall make an effort to reach out to the provider. An interested Provider that is currently not on the list can also inquire with the State. Inquiries can be directed to:

Rhode Island Department of Labor and Training
ETPL Office
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
Phone (401) 462-8860

II. Initial Eligibility Determination:

A. Transition Period

WIOA provides for a transition period that allows previously approved training programs who were approved under WIA to continue to be considered eligible until June 30, 2016. These programs will not be subject to the initial eligibility process during this transition period. The continuing eligibility of these programs as of June 30, 2016 will be contingent upon receiving outcome data previously set forth by WIA and according to the provider's existing contract for each program currently on the ETPL prior to June 30, 2016. Once continuing eligibility is established, the State will conduct another continuing eligibility review within 2 years of this determination. These procedures do not apply to Registered Apprenticeship programs.

B. Application Process

Under WIOA Title I-B, a training provider must provide verifiable program-specific performance information based on criteria established by State. To apply for the ETPL initial eligibility for a training program, a training provider must:

Complete an ETPL application and describe each program of training services to be offered;

The ETPL application includes the following required information:

1. At least one or more of the following factors for performance:

Note: Information must be given for all students in each applicable program.

- i. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- ii. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

Note: The State acknowledges that obtaining timely and accurate information regarding employment is difficult and may represent an undue burden on training providers. To facilitate meeting this reporting requirement the State can make available its state wage record system. The training providers can provide to the State the social security numbers of individuals who are enrolled in training programs.

- iii. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- iv. The percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent (subject to indicators relating to credential in WIOA sec

116(b)(2)(iii));

- v. The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; or
 - vi. The indicators of effectiveness in serving employers established (pursuant to WIOA sec116(b)(2)(iv)).
2. A description of the degree in which the training provider is in partnership with business. This could include information about the quality and quantity of employer partnerships;
 3. Information regarding the ability of the training program to lead to a recognized post-secondary credential;
 4. To the extent possible, information that addresses alignment of the training program with in-demand industry sectors and occupations, as determined by RI Department of Labor and Training.
 5. A description of the accessibility of the training program pertaining to physical access, programmatic process, and communications. This includes but is not limited to hours, location, delivery of service, and access for individuals with barriers;
 6. Financial information demonstrating stability and status of good standing. Documentation accepted would include but not limited to:
 - i. W9
 - ii. Financial Statements or Annual Financial Reports
 - iii. Letter of Good Standing from the Division of Taxation;
 7. Proof of General Liability Insurance;
 8. Information on total program cost per participant including cost of attendance, books, tuition and fees.

Real Jobs RI

Real Jobs RI Training Providers must meet all initial eligibility requirements. However, providers identified as part of a Real Jobs Partnership are deemed to have met all the requirements of initial eligibility and therefore are not subject to the same initial application process indicated in this policy. These providers are still subject to performance information requirements listed in section II-C of the initial application process, a period of initial eligibility listed in section II-G of this policy, and continuing eligibility listed in section III of this policy.

Apprenticeship

Once a Registered Apprenticeship Program has indicated that they desire to be placed on the ETP through their registration process with the Office of Apprenticeship, they

will automatically be included in the State's Eligible Provider List (ETPL) and are not subject to the same application and performance requirements or to a period of initial eligibility or initial eligibility procedures. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State eligible provider list, registered apprenticeship programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. Pre-Apprenticeship programs do not have the same automatic ETP status. [Regs. Subpart D, §680.470; ETA TEGL 41-14 sec. 8(a)]

C. Performance Information Required

- i. The percentage of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
- ii. The percentage of all program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

Note: The State acknowledges that obtaining timely and accurate information regarding employment is difficult and may represent an undue burden on training providers. To facilitate meeting this reporting requirement the State can make available its state wage record system. The training providers can provide to the State the social security numbers of individuals who are enrolled in training programs.

- iii. The median earnings of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
- iv. The percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent (subject to indicators relating to credential in WIOA sec 116(b)(2)(iii));
- v. The percentage of all program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and
- vi. The indicators of effectiveness in serving employers established (pursuant to WIOA Sec116(b)(2)(iv)).

D. Program Costs

Tuition, fees, and other related costs, which include, but are not limited to, books, tools, clothing and equipment.

E. Insufficient Performance Information

Of those entities applying for eligibility, if the training provider does not have the required performance data, it must 1) show good cause and 2) provide alternate

information that demonstrates compliance with State and Local eligibility criteria. "Good cause" should include:

1. The training program is new and data on past performance is not available;
2. Only partial performance data is available (either type of data or number of years);
3. Collection of data will cause excessive costs and/or hardship for the training provider during the initial eligibility;
4. Other reasonable circumstances that may cause data to be unavailable.

If the required and alternate information cannot be provided, DLT will provide technical assistance to allow the provider an opportunity to demonstrate its ability to meet eligibility criteria. DLT will assist the provider in developing a plan of action with an appropriate timeline to be determined on an individual basis. If the provider is not responsive or unable to meet the requirements set forth by the agreement, the provider may be found ineligible.

F. Provision [Act Sec. 122(b)(4)(E)]

The provider shall provide the information described in this policy to the State and Local Board in a manner that will permit the State and local board to make a decision on inclusion of the provider on the list of eligible providers.

G. Review and Certification Process

Once the initial eligibility package is complete it can be submitted to the ETPL Application Team by mail to Rhode Island Department of Labor and Training, ATTN: ETPL Office, 1511 Pontiac Avenue, Building 72-3, Cranston, Rhode Island 02920 for a determination of initial eligibility. The information submitted including program performance will be reviewed. A determination of eligibility will be made within 30 days of submittal.

Initial eligibility will be granted for a 12-month period once approved by the State. After the initial period of eligibility, the training provider is subject to continuing eligibility requirements.

The provider must meet all State and Local criteria listed in section I-C this document. The information requirements established require that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to disseminate information that assist participants in choosing providers.

H. Limitation

A provider that receives initial eligibility for a program shall be subject to the requirements under Sec 122(c) of WIOA for that program after such initial eligibility expires.

III. Continuing Eligibility Determination

A. Transition Period

WIOA provides for a transition period that allows previously approved training programs who were approved under WIA to continue to be considered eligible until June 30, 2016. These programs will not be subject to the initial eligibility process during this transition period. The continuing eligibility of these programs as of June 30, 2016 will be contingent upon receiving outcome data previously set forth by WIA and according to the provider's existing contract for each program currently on the ETPL prior to June 30, 2016. Once continuing eligibility is established, the State will conduct another continuing eligibility review within 2 years of this determination. These procedures do not apply to Registered Apprenticeship programs.

B. Eligibility Status

The State will collect performance data from eligible training providers for *all* students in ETPL eligible training programs at least each year and upon request.

All providers of a program of training services are subject to continuing eligibility procedures for each program for which recertification is sought.

To maintain eligibility status, training providers must submit to State, at such time, in such manner and containing such information as State may request to adequately prepare the performance information for each training program for which continued eligibility is being sought.

In determining continuing eligibility status, the State must take into consideration the following elements:

1. Specific economic, geographic and demographic factors in the local area for which providers are seeking continued eligibility; and
2. Characteristics of the populations served, including demonstrated difficulties in serving these populations.

Real Jobs RI

Providers who were initially deemed eligible to become part of a Real Jobs Partnership and have participated for 12-months are subject to the continuing eligibility requirements and performance information requirements listed in section II-C of this policy. This performance information will be collected as part of the Real Jobs RI grantee reporting process. Real Jobs RI providers will not need to submit a separate performance report to comply with this policy.

Apprenticeship

Registered Apprenticeship Programs who have initially indicated their desire to be placed on the ETPL are not subject to the same continuing eligibility and performance

requirements of the State's ETPL policy. Performance data on Registered Apprenticeship programs will be provided by the State Apprenticeship Agency. Once on the State eligible provider list, Registered Apprenticeship Programs will be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act or until the program sponsor notifies the State that it no longer wants to be included on the list. A Registered Apprenticeship Program can notify the state through the Office of Apprenticeship in writing. Pre-Apprenticeship programs do not have the same automatic ETP status. [Regs. Subpart D, §680.470; ETA TEGL 41-14 sec. 8(a)]

C. Performance Information

Continuing eligibility will be based on the following:

1. Performance indicators:

The following verifiable program-specific information must be completed and submitted for **ALL** students, as well as WIOA students, in **each applicable program** in order to retain eligibility status prior to expiration of initial eligibility.

- a. The percentage of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
 - b. The percentage of all program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
 - c. The median earnings of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
 - d. The percentage of all program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;
2. The ability of the training program to be accessed throughout the state including rural areas and through the use of technology.
 3. The degree to which training program relates to in-demand industry sectors and occupations in the State.
 4. The use of industry-recognized certificates and credentials
 5. The ability for individuals who are employed and individuals with barriers to employment to access the training program.
 6. The timely and accurate submittal of eligible training program performance reports as required under WIOA sec 116(d)(4)

The State will review all training program's performance results for 2016 and 2017 and shall reach agreement on State required levels of performance for each indicator described above after these two years. In 2018 (the third year), the State will compare a training program's performance results with the State performance criteria to determine whether a training program meets the newly established State required performance levels and inform the provider of its determination prior to the end of the training programs eligibility expiration date.

D. Program Costs

Tuition, fees, and other related costs, which include, but are not limited to, books, tools, clothing and equipment.

E. Supplementary Information

Alternate Performance Information

Until the performance data for each accountability measure is available, the State may take into account alternate factors related to performance for that accountability measure if the information is substantially similar to the information otherwise required. In considering alternate factors related to performance the State may set minimal performance criteria, use existing available data, or develop other proxies as appropriate. Once training providers have two years of performance outcomes using the WIOA performance indicators specified in section 116, the providers will be expected to supply the originally required information.

Supplemental data can be data that is in addition to administrative records used by the Division in calculating the performance measures. Such information may include documentation on self-employment and self-reported earnings, a copy of a W-2 form, pay stub, or Internal Revenue Service 1099 form that documents employment during the time period in the measure.

IV. Identification and Maintenance of Eligible Provider List

A. Submissions

The application must be submitted by mail to Rhode Island Department of Labor and Training, ATTN: ETPL Office, 1511 Pontiac Avenue, Building 72-3, Cranston, Rhode Island 02920. The application will be reviewed by the ETPL Application Team, consisting of the ETPL Coordinator, members of the Local Board, and DLT management, no later than 30 days from receipt of the information to allow the Team the necessary time to certify, compile and publish the statewide list. Within this timeframe, the ETPL Application Team will review, determine and certify each program and/or course of study initially eligible to furnish training services to WIOA-eligible participants for each course of study proposed. Training providers will be approved for training upon publication of the statewide list.

B. Publication of List [ETA TEGL 41-14 sec. 10]

WIOA requires that the State disseminate the statewide list of eligibility training providers and accompanying performance and cost information to Local Boards and to members of the public online including through Web sites and searchable databases to disseminate information to consumers, including the one-stop delivery system and its program partners. The State of Rhode Island will post the list on its management information system and its state website. Individuals, counselors, and providers will have direct access to the list via both vehicles.

Training providers will appear on the statewide list after the State verifies the eligibility. As new programs are submitted and approved throughout the year, the statewide list will be updated on an ongoing basis. If the program is found to be ineligible for the statewide list, the local WIB will cease to approve additional Individual Training Accounts for that program and the ineligible program will be removed from the statewide list.

The state eligible training provider list must be accompanied by appropriate information to assist participants in choosing employment and training activities. Such information must include the following, disaggregated by local areas served, as applicable:

- Recognized post-secondary credential(s) offered;
- Provider information supplied to meet the State's eligibility procedure;
- Performance and cost information aligned with the time periods; and,
- Additional information as the State determines appropriate, such as the number of units (for example, credits, hours or semesters) needed to earn the credentials offered.

V. Eligible Providers of Youth Workforce Investment Activities

The local board shall award grants or contracts on a competitive basis to providers of youth workforce investment activities identified based on the criteria in the State plan (including such quality criteria as the State has established for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth programs as described in section 116(b)(2)(A)(ii).

In accordance with Section 123(b), a local board may award grants or contract on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth workforce investment activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis.

VI. Compliance Requirements

Upon a determination, by the State or Local WIB that a provider of training services, or individual providing information on behalf of the provider, violated section 122 of WIOA or WIA by intentionally supplying inaccurate information, or if the provider of training services substantially violated any requirement of Title I-B of WIOA, the eligibility of such provider to receive funds shall be terminated for a period of time that is not less than 2 years. [Ref. Act Sec 122(f)(1)(A,B)]

A. Corrective Action

The **State or Local Board** and the training provider must develop a corrective action plan (CAP). The CAP will serve as a reapplication and should contain the following:

- 1) A description indicating the specific circumstances; i.e. violations of the Act, inaccurate information, performance, etc.
- 2) A detailed description of the steps that will be taken to correct the situation. This includes procedural changes that correct the deficiency, technical assistance and/or meetings with appropriate local and/or state officials, and an appropriate timeframe for completion.
- 3) An evaluation of progress including final decision must be clearly documented and filed.

The State will send a copy of the final decision to all parties.

B. Denials

A training provider must deliver results and provide accurate information in order to retain its status as an eligible training provider under WIOA title I-B. The State may revoke a provider's eligibility and remove the provider from the list of approved providers for the following reasons:

- 1) Intentionally supplying inaccurate or false information;
- 2) Substantially violating a provision of title I of WIOA or its implementing regulations;
- 3) Failure to meet required performance outcomes;
- 4) Failure to abide by the equal opportunity and nondiscrimination requirements under WIOA Section 188.

WIOA requires a minimum biennial review of providers on the State list. The State intends to conduct reviews on a more frequent basis. Providers failing to meet performance, reporting, or other requirements may be removed or temporarily suspended for a minimum of 2 years from the list as a result of that review.

When a training program is removed from the State ETPL, WIOA participants currently enrolled in the program with the support of an ITA may complete their training as outlined in their WIOA Individual Employment Plan unless the program or provider has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

C. Repayment of Program Funds

A provider of training services whose eligibility is terminated due to the aforementioned denial causes shall be liable for the repayment of funds of all adult, dislocated worker, and youth funds received under Title I-B of WIOA or WIA during the period of non-compliance. [Ref. Act Sec 122(f)(1)(C)] No repayment funds should be collected from the training provider until the opportunity to appeal is over which is 90 days from the date of the initial denial notice.

D. Appeal Process

First Level Appeal: Management Review

Training providers will have 30 days from the date of the denial notice of a training program in which to file an appeal to the ETPL State Agency Representative in writing. The request for the appeal must identify the program which was denied and the reasoning for the appeal. Within 30 days of receipt of the appeal, a decision will be issued to the training provider. If the training provider is not satisfied with the decision, a final appeal may be issued to the State's Governor's Workforce Board.

Rhode Island Department of Labor and Training
ETPL State Agency Representative
1511 Pontiac Avenue, Building 72-3
Cranston, Rhode Island 02920
Phone (401) 462-8860 Fax (401) 462-8865

Final Level Appeal: Governor's Workforce Board

Following issuance of a denial of eligibility, determination of suspension or termination of eligibility by the ETPL State Agency Representative, the training provider will have 30 days in which to submit a final **appeal** to the Governors Workforce Board. Within 30 days of the receipt of the final appeal, the training provider will be notified of the date, time, and place where a due process hearing will be conducted and a decision will be issued. There shall be no appeal to the decision and no right to further access. All appeals must be forwarded, in writing, to the following address:

Rhode Island Department of Labor and Training
Governor's Workforce Board RI
1511 Pontiac Avenue, Building 72-2
Cranston, Rhode Island 02920
Phone (401) 462-8860 Fax (401) 462-8865

VII. Opportunity to Submit Comments [Ref. – Act Sec. 122(e)]

In establishing criteria information requirements, procedures, and the list of eligible providers described in this policy, the State shall provide an opportunity beginning December 10, 2015 and ending December 24, 2015 for interested members of the public to make recommendations and submit comments regarding such criteria, information requirements, procedures, and list. This policy will be posted on the State website; www.dlt.ri.gov/wio.