

WORKFORCE INNOVATION NOTICE: 15-19-02

TO: WORKFORCE DEVELOPMENT AREAS

FROM: Governor's Workforce Board, Chairman Mike Grey

SUBJECT: WIOA Eligible Training Providers List Policy

DATE: **Effective: January 1, 2016**
Revised: December 1, 2016
Revised: May 7, 2019



- 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.
- 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 20 CFR Part 680 §680.400 – §680.510
- 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. 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

- 5. Policy:** The WIOA Eligible Training Provider List Policy is as follows:



Gina M. Raimondo
Governor – State of Rhode Island

WORKFORCE INNOVATION AND OPPORTUNITIES ACT

ELIGIBLE TRAINING PROVIDER LIST

POLICY



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A. What is the ETPL?

a. Purpose and Mission

The Eligible Training Provider List (ETPL) was established in compliance with the Workforce Investment Act (WIA) of 1998 and amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014 to provide quality training choices for a growing workforce.

b. How is the list used?

Eligible WIOA title I-B participants in need of training services to enhance their job readiness or career pathway are referred to the ETPL by a counselor at a *neWORKri* office and may access career training through a list of state-approved training provider programs, including Registered Apprenticeship programs.

c. How are ETPL training services funded?

WIOA provides funding for various types of training. The ETPL is funded through Individual Training Accounts (ITAs). ITAs are one training option available to eligible and appropriate participants when it is determined by a career counselor in the American Job Center, known as *neWORKri* Offices in Rhode Island. An ITA is limited in cost and duration, and result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

ITAs are allowed for out-of-school youth ages 18-24 (out-of-school youth ages 16-17 are not eligible for ITAs) per WIOA Section 129(c)(2)(D) and 20 CFR 681.550. ITAs are not entitlements and shall be provided to eligible participants on the basis of an individualized assessment of the person's job readiness, employment and training needs, financial, social and supportive needs, labor market demand and potential for successful completion, as documented on the participant's Individual Employment Plan (IEP). Participants choose career training with Eligible Training Providers in consultation with career counselors.

ITA funding for training is limited to participants who:

- Complete an assessment and an IEP that identifies the selected training course;
- Are unable to obtain grant assistance from other sources to pay the costs of training or require assistance beyond available grant resources from other sources, such as Pell Grants in order to complete their training goals;
- Select training programs that are directly linked to an in-demand industry sector or occupation or sectors that have a high potential of sustained demand or growth in the local area or in another area in which the participant is willing to travel or relocate [WIOA Section 134(c)(3)(G)(iii)]; and
- Maintain satisfactory progress/grades throughout the training program.

Other WIOA Training Options Exempt from the ETPL Policy:

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 (ETPL) 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 LWDB 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 LWDB provides training services through a pay-for-performance contract.

B. Roles and Responsibilities

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 workforce development boards (LWDBs), 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.

The Role of the State: [Ref. - TEGL 41-14]

The Department of Labor and Training (DLT) is the designated state agency for WIOA administration. The Governor's Workforce Board (GWB) on behalf of the Governor must establish eligibility criteria and procedures for initial determination and renewals of eligibility for training providers and training programs to receive funds under WIOA Title I-B. The Governor and DLT has explicit responsibility for managing and disseminating the approved list of eligible training providers. The State must perform the following roles:

- Establishing eligibility procedures and criteria, and clarifying State and LWDB roles and responsibilities;
- Establishing a mechanism for adding Registered Apprenticeship programs to the list and verifying registered status at least every two years;
- Consulting with the State Board (GWB) when establishing these procedures;
- Providing an opportunity for interested members of the public to make recommendations and submit comments regarding the eligibility procedure including LWDBs;
- Determining whether the provider submitted accurate information, and take enforcement actions as needed;
- Making training provider eligibility decisions in collaboration with the LWDBs;
- Notifying training providers and the LWDBs of denial of programs at the state level;

- Disseminating the list to the LWDBs, the one-stop system, its partner programs, and the public accompanied by credential, cost, and performance, and other consumer information for each ETPL training program;
- Evaluating performance data of all training providers during the continued eligibility review;
- Monitoring training providers for compliance and performance;
- Monitoring LWDBs and administration of ETPL implementation;
- Determining if state-established minimum performance levels for eligibility are met;
- Removing programs that do not meet state-established program criteria or performance levels for eligibility and/or are out of compliance with provisions of WIOA; and,
- Establishing an appeals procedure for providers to appeal a denial of eligibility under this section.

The Role of the Local Workforce Development Boards (LWDB):

The LWDBs have statutorily required responsibilities related to eligible training providers, roles that the Governor assigns the LWDB, and additional options for their local area.

Local Workforce Development Boards must work with the State to ensure that:

- There are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities;
- The State's Eligible Training Provider list is disseminated publicly through the local one-stop system, and its partner programs;
- Inform the State ETPL Coordinator in cases where termination of an eligible provider is considered;
- Inform the State ETPL Coordinator of any changes reported by the training provider that ultimately affect their corresponding approved programs;
- Collecting participant information for purposes of managing individual participant data; and
- The LWDB may set additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the DLT's procedure. LWDBs may also provide comment and input into the DLT's development of the eligible provider procedure through the public comment process. Any additional requirements established by the LWDB will only affect a program's eligibility and performance level eligibility requirements within the local area.

C. Eligible Provider Entities:

a. Types of Entities

In order to receive WIOA title 1-B funds, eligible providers shall be at least one of the following types of entities:

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.*)

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 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 Training 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. [20 CFR §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 LWDB. [ETA TEGL No. 41-14 sec. 4]

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

b. Training Provider Qualifications

Licensing/Accreditation:

Eligible Training Providers must be licensed by the appropriate Rhode Island or federal licensing authority, as required both by Rhode Island and Federal law. Training providers must be in good standing and compliant with all other state and federal regulatory agencies following:

- A. Specific occupations have governing boards that issue licenses, such as the RI Department of Health, RI Division of Motor Vehicles, and others. Training providers must be licensed by the appropriate governing board to offer training for the occupation.
- B. Private post-secondary institutions and training providers must be approved by a federal or RI authority such as the RI Office of Postsecondary Commissioner.

- a. The RI Council on Postsecondary Education has approval authority for private/nonprofit degree-granting institutions not specifically exempted by statute or legislative action and approval authority.
- b. Nonprofit organizations that do not solely or primarily exist to provide education or training are not covered under this requirement. Please note that determination that an entity holds such status is solely related to its ETPL eligibility and is not an indication that the entity is otherwise exempt from or not subject to RI Council on Postsecondary Education or RI office of Postsecondary Commissioner requirements. To establish status as a nonprofit organization not primarily or solely operated to provide education or training for ETPL eligibility purposes, an entity must provide:
 - i. Internal Revenue Service (IRS) documentation indicating appropriate tax exempt status;
 - ii. The organization's mission statement, articles of incorporation, or other evidence of organizing principles evidencing that the entity's primary purpose is other than education or training; and
 - iii. A signed attestation indicating that the majority of the entity's operations relate to activities other than education or training.

Licensed/Accredited Training Providers not eligible to be on the ETPL include but are not limited to:

- C. Training providers that are debarred by any state or the federal government during the debarment period;
- D. Private post-secondary training providers, who apply for a RI Private Postsecondary license and are denied due to a determination that the training program is not vocational in nature.

Business Requirements:

- A. Training providers must be a legal entity, registered to do business in the State of Rhode Island.
- B. Training providers must have provided training services during all of the 12 months prior to applying for the ETPL and have a proven track record of students successfully completing the programs. This provision does not apply to Registered Apprenticeship programs.
- C. Training providers are required to have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies that indicate that no refunds will be made are not acceptable. Refund policies must be written and published so that students are aware of how to request a refund.
- D. Training providers must have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
- E. Training providers must have a form of general liability insurance. General Liability Insurance is defined as a standard insurance policy issued to business organization to protect against liability claims for bodily injury (BI) and property damage (PD) arising out of premises, operations, products, and completed operations; and advertising and personal injury (PI) liability. If the nature of the organization is "all other Public or Private Provider of Training", this certificate must be current and provide "insurance coverage as may be required by any federal or state applicable laws and/or the Workforce arising out the operation of this agreement". Upon expiration of the

certificate, the provider must submit a new certificate to the designated ETPL agency.

- F. Training providers must establish, publish, and disseminate to students materials including, but not limited to, official catalogs and other materials. Training providers must provide to students, and to prospective students, information that is complete and accurate. The information provided must be sufficient to enable prospective students to make rational decisions about enrolling in the school and to enable enrolled students to understand their rights and responsibilities as students in the school.
- G. A training provider's financial capacity must be appropriate to its scale of operations. The school must demonstrate, principally from its annual comprehensive financial statements, and from other financial information, that it has adequate capability to satisfy its contractual obligation to students, including the capability to provide the programs and services described in its official publications and to meet its financial obligations.
- H. Training providers must comply with non-discrimination and equal opportunity provisions of all federal and state applicable laws including but not limited to:
 - 1. Regulations under Section 188 of the Workforce Innovation and Opportunity Act of 2014;
 - 2. 29 CFR 37, Title VI of the Civil Rights Act of 1964;
 - 3. Age Discrimination Act of 1998;
 - 4. Sections 504 and 508 of the Rehabilitation Act of 1973;
 - 5. Title IX of the Education Amendments of 1972;
 - 6. Title II Subpart A of the American with Disabilities Act of 1990; and
 - 7. The Genetic Information Nondiscrimination Act of 2008.

D. Eligible Program of Training Services:

a. Definition

A program of training services must be delivered in person, online, or in a blended approach that includes one or more courses, 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.

The Employment and Training Administration (ETA) defines a measurable skills gain as one of the following types of gains; 1) Educational Functioning Level (EFL), 2) Secondary Transcript/Report Card, 3) Training Milestone, 4) Skills Progression, and 5) Other Recognized Credential.

b. Apprenticeship Programs

Under WIOA Title I-B, Registered Apprenticeship Programs are considered eligible programs of training services that meet one or more of the criteria defined above. 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. Pre-Apprenticeship programs are, therefore, subject to the eligibility requirements outlined in this policy.

c. Technology-Based Learning

Requirements

Training providers using technology-based learning, also referred to as distance, online, web-based or computer-based learning, must meet the following requirements:

- A. Training providers offering distance learning programs must be licensed to provide training in the State of Rhode Island.
- B. Training providers must have a mechanism for student interaction with an instructor or instructors.
- C. Training providers must ensure periodic assessment of each student.
- D. Training providers' policy must describe the responsibilities of each party (training provider, participant) to the distance learning experience.
- E. Training providers must have a mechanism in place for tracking student's participation in the ETPL Training program.
- F. Training providers must comply with any additional requirements determined by the LWDB.

d. 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
- 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.

E. 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 and sectors
- 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 LWDBs 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 LWDB will be described in their corresponding policy and contract.

F. Solicitation:

The State and each LWDB 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. The State and the LWDBs may also solicit training providers from outside of the local area, including other states. The State 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 LWDB, 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 73-3
Cranston, Rhode Island 02920
Phone (401) 462-8860

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

WIOA requires that the State disseminate the statewide list of eligible training providers and accompanying performance and cost information to LWDBs and to members of the public. The State of Rhode Island will post the list on its Virtual One-Stop System. Individuals, counselors, and providers will have direct access to the list.

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 removed from the statewide list, the LWDB 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 is determined by the State as follows:
 - Program Length including number of units such as credits, hours, weeks or semesters needed to earn the credentials offered.
 - Program Service/Location and type
 - Class/Faculty Size
 - Program Pre-requisites
 - Target Occupations
 - Program Description, and
 - Additional information as deemed appropriate.

I. Eligibility Determination:

A. Initial Eligibility

All providers and programs that have not previously been eligible to provide training services under WIOA sec. 122 or WIA sec. 134, except for registered apprenticeship programs, must submit required information to be considered for initial eligibility. The requirements to become an eligible provider of training services apply to all organizations providing WIOA Title I-B training to adults and dislocated workers, with the specific exception of Registered Apprenticeship programs. For Registered Apprenticeship programs, WIOA makes a change from WIA in that Registered Apprenticeship programs must be included upon request and maintained on the list of eligible training providers for as long as the program remains registered.

a. Application Process

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.

Under WIOA Title I-B, a training provider must provide verifiable program-specific information based on criteria established by state. The application process for initial eligibility on the ETPL is as follows:

1. The Training Provider must submit an online application on the State's website: www.dlt.ri.gov/wio/ApplicationInfo.htm. The provider must submit any required supporting documents via standard mail, or by electronically uploading the documents into the online application.

The provider application will include the following required information:

- a. At least one or more factors for performance [refer to section III for details on performance information];
 - b. A description of the degree in which the training provider is in partnership with a business. This could include information about the quality and quantity of employer partnerships;
 - c. A description of the accessibility of all training programs pertaining to physical access, programmatic process, and communications. This includes but is not limited to location, delivery of service, and access for individuals with barriers;
 - d. Other documentation as needed [refer to section IV for list of Documentation Needed]
2. An initial review is conducted by the State's ETPL Coordinator to determine if the Training Provider is an eligible entity.
 3. Once the Training Provider is deemed an eligible entity, the Training Provider will receive log-on credentials for the State's virtual one-stop system.
 4. The Training Provider will then be instructed to submit each desired program for program approved through the virtual one-stop system.
 5. The application is scored by the ETPL Application Team through the use of a standard ETPL Rubric.

Rubric Components include factors determining quality of a training program as indicated in Section I-A:

- i. Performance Data

- ii. Partnership(s) with Employer(s)
- iii. In-Demand Occupation/Industry
- iv. Credential obtained upon completion
- v. Accessibility of Program

6. A determination of eligibility letter will be sent to the training provider.

- a. If approved, a WIOA Eligible Training Provider Agreement and Approved Program List Addendum (ETPL Contract) is sent by the State's ETPL Coordinator to the provider with 30 days of the provider application submittal.

Once the contract is signed, the State will disseminate the new program listing on the State's website and virtual one-stop system.

- b. If denied, the training provider has the right to appeal or reapply when ready.

b. Process for Registered Apprenticeship Inclusion on the List

The inclusion process for a Registered Apprenticeship begins once a Registered Apprenticeship program has indicated that they desire to be placed on the ETPL. At that time, the Registered Apprenticeship program must supply the following information to RIDLT:

- Occupations included in the RA program
- The name and address of the RA program sponsor
- The name and address of related technical instruction provider and location of instruction if different from the sponsor address
- The method and length of instruction and,
- The number of active apprentices

The Registered Apprenticeship program 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. [20 CFR §680.470; ETA TEGL 41-14 sec. 8(a)]

c. Initial Period of Eligibility for Approved Programs

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 outlined in section II - B.

B. Continuing Eligibility

Eligible training providers that were determined to be initially-eligible under WIOA title I-B will be subject to the application procedure for continued eligibility when their initial year of eligibility expires.

a. Application Process

Initially eligible providers of training services must submit a reapplication on the State's virtual one-stop system for each program for which recertification is sought 1 month prior to the expiration of the initial period of eligibility. The training provider must confirm all detailed program information listed. To maintain eligibility status, training providers must submit to the State, at such time, in such manner and containing such information as the 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 takes into consideration the following elements:

1. Changes in Organization/Provider Info:
 - a) Business requirements
 - b) Accreditation/licensure renewals, if needed
 - c) Updated Certificate of Insurance
 - d) Updates and/or changes in refund or grievance policies, if any;
2. Changes in Program Information:
 - a) Schedule changes
 - b) Curriculum updates
 - c) Match against In-Demand List
 - d) Credential offered
 - e) Review of business partners that affect the program; and
3. The performance of providers of training services on the performance accountability measures described in WIOA sec 116(b)(2)(A)(i)(I-IV). This includes the timeliness and accuracy of the eligible training provider's performance reports. The State reserves the right to establish minimum performance standards. Until the performance data for all accountability measure is available, the State may take into account alternate factors related to performance for that accountability measure. Once training providers have two years of performance outcomes using the WIOA performance indicators specified in section 116, the State will take them into account.

Other factors taken into consideration when determining eligibility include:

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.

Upon completed review of factors above, the State will determine if the program maintains eligibility. A continuing eligibility determination letter will be sent to the training provider. Continued eligibility status will be confirmed through the virtual one-stop system.

A continuing eligibility review must be conducted at least once every two years from the first continuing eligibility review.

b. Continuing Eligibility Review for Registered Apprenticeship Programs

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. The biennial review of the provider eligibility will include verification of the registration status of registered apprenticeship programs and removal of any registered apprenticeship programs as described in 20 CFR sec 680.470. 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. [20 CFR §680.470; ETA TEGL 41-14 sec. 8(a)]

c. WIOA Transitional Eligibility 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.

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

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

III. Documentation Needed

The provider must meet all State and Local criteria listed in section I of 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.

Approval or Exemption Letter from Oversight Agency

Pursuant to WIOA sec 122(b)(1), state licensing and accreditation status of providers are a required state criteria in determining an eligible entity. An approval or exemption letter from oversight agency must be supplied at time of application. For example: A private postsecondary institution must be approved or exempted by the RI Office of Postsecondary Commissioner.

Financial Statements.

The determination will consist of checking liquidity and solvency ratios over 2-years' time or in relation to assets and liabilities. A copy of a Profit and Loss Statement, Balance Sheet or Statement of Financial Position, A Financial Audit, or other financial document that would detail the financial soundness of the organization will be accepted. If revenues are \$700,000 or more, A133 Audited Financial Statements are required.

Certificate of Liability of Insurance.

General Liability insurance is defined as a standard insurance policy issued to business organization to protect against liability claims for bodily injury (BI) and property damage (PD) arising out of premises, operations, products, and completed operations; and advertising and

personal injury (~~PI~~) liability. If the nature of the organization is “all other Public or Private Provider of Training”, this certificate must be current and provide “insurance coverage as may be required by any federal or state applicable laws and/or the Workforce arising out of the operation of this agreement.” Upon expiration of the certificate, the provider must submit a new certificate.

Refund Policy.

A refund policy must establish general guidelines, document circumstances in which a refund will be given for tuition, fees, or other costs, and clearly define the refund process for over-invoicing or for services not provided.

Grievance Policy.

A training provider must have an established grievance policy to provide a process for the effective management and resolution of concerns, disagreements or complaints arising out of premises, operations, products, and completed operations.

Published Course Catalog or Program Brochure

The catalog and/or brochure MUST be available to the public and prospective students and must include the following:

- All fees required to be paid by students including tuition, required fees, books, supplies, activities, and all other program costs. Providers must ensure that the cost of training to WIOA students does not differ from the training cost charged to non-WIOA students;
- Educational program details and curricula;
- Course cancellation policies.
- All other student policies and procedures promulgated by the school, including those required by state or federal regulations.

The catalog and/or brochure must be submitted in electronic form or hard copy. The student policies can be submitted separately from the catalog and/or brochure but must be an official document that is available to the public and prospective students.

W-9 Form

A W-9 form must be submitted at time of initial application and every two years thereafter in order to file the Tax Payer Identification Number and Certification for tax purposes.

IV. Performance

A. Required Information

The State will collect performance data from eligible training providers for all students as well as WIOA participants in ETPL eligible training programs annually and/or upon request. Reportable elements include:

- The percentage of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
- The percentage of all program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
- The median earnings of all program participants who are in unsubsidized employment during the second quarter after exit from the program;
- 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));

This information will be self-reported by the training provider to the State in the aggregate using a digital reporting portal. As part of its ETPL Monitoring process, the Department of Labor and Training will randomly audit the information reported by select providers to ensure it is accurate and that the methodology to collect, compile, and report this information is reasonable, secure, and effective.

B. 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;
3. Collection of data will cause excessive costs and/or hardship for the training provider during the initial eligibility; and/or
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.

C. 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 may include documentation on self-employment and self-reported earnings, a copy of a W-2 form or pay stub that documents employment during the time period in the measure.

V. Program Costs

An eligible training provider must make available to the prospective students its schedules of tuition and fees. The institution shall disclose all fees required to be paid by students (including tuition, required fees, books supplies, activities, etc.), and any non-refundable fees must be so identified. A reduction in tuition, fees or other charges may be implemented when there are specific criteria for student eligibility and selection procedures precisely disclosed within the policy at the institution. All students within the enrollment period that the reduction is offered shall be eligible to apply. The cost of the training to WIOA participants must not exceed the cost charged to any other student in the program. All costs necessary for successful completion of a program must be clearly stated. A breakdown of cost must be identified for publication on the ETPL. A breakdown may include the following:

- Tuition
- Fees
- Books
- Licensing cost
- Certificate fees
- Graduation fees
- Uniforms
- Tools
- Registration fees
- Supplies

VI. Notice of Ineligibility, Suspension, or Termination

A. Initial Eligibility Denials

A training provider or program may be denied initial eligibility for the following reasons:

1. The application is not complete or information was not provided in a timely manner;
2. The training provider does not meet the WIOA definition of an eligible training entity;
3. The training program does not meet the WIOA definition of eligible training services.
4. The training program does not result in a recognized credential;
5. Performance data is not included with the application.
6. The training program does not support in-demand occupations and/or sectors identified through labor market analysis;
7. The training provider is not in compliance with the WIOA statute, regulations, or any agreement executed under WIOA;
8. The State or LWDB determines that the training provider intentionally supplied inaccurate information.

Reapplication

When a training provider or program is denied for any reason other than lack of documentation or information, the provider must wait six months to reapply.

Denial Notice

Within 10 days after the State determines that a training provider's application does not meet the eligibility criteria, the State shall issue a denial notice to the training provider.

The notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application. The notice shall clearly:

- a. Display the "date mailed",
- b. Identify the program that was denied or terminated;

- c. State specific reason(s) for the action; and
- d. State the training provider has the right to appeal to within 30 calendar days of the date the notice is mailed.

B. Suspension/Removal

a. Removal of Training Programs

A training program may be removed from the ETPL for the following reasons:

1. The State determines that the training provider supplied inaccurate information;
2. The training program no longer meets the WIOA definition of occupational skills training;
3. The program does not meet minimum performance standards once established. If there are no students enrolled in the training program during the past year, there will be no performance data to review for continued eligibility. The State must examine the demand for the related occupation to determine if there is still a demand for it and decide whether to keep the program on the ETPL for another year.

b. Removal of Training Providers

A training provider may be removed from the ETPL 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;
- 5) Failure to comply with monitoring and audits;
- 6) Failure to maintain required licenses and accreditation requirements;
- 7) Failure to comply with all applicable provisions in the ETPL contract; or
- 8) Other just cause.

c. Notification and Termination Letter

Within 10 days after the State determines that a training provider is in violation of any of the reasons indicated above a notice of violation or finding shall be issued by the State requiring the development of a corrective action plan. The letter should include what the violation or finding is, an invitation to develop a corrective action plan, and a specific timeframe of 14 days to respond to the notification. If the training provider fails to respond to the letter, a termination letter will then be issued.

The termination notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application.

The notice shall clearly:

- a. Display the “date mailed”,
- b. Identify the violation or finding;
- c. State specific reason(s) for the action; and
- a. State the training provider has the right to appeal to within 30 calendar days of the date the notice is mailed. When a training program is removed from the State ETPL, WIOA participants currently enrolled in the program 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. Corrective Action

a. Purpose of Corrective Action Plan

The State and the Eligible Training Provider must develop a corrective action plan if the provider is found in violation of their contract, or if the provider is requesting technical assistance to become compliant.

b. Prior to Plan Development

If the provider is found in violation of the contract, the State must identify the finding and how it was acquired. Examples include but are not limited to LWDB's monitoring report, State's compliance and monitoring report, continuing eligibility review, and information reported through an anonymous tip or random review; i.e. secret shopper, Secretary of State website check, or other means that provides evidence of potential non-compliance with ETPL contract provisions or ETPL policy.

Identify which law or provision is being violated. Gather supporting documents to determine if the finding is an allegation or a factual finding. This will determine whether the provider can continue to receive referrals during CAP process or not.

c. Notification Letter

The State sends a letter via mail notifying the Training Provider of the finding. The letter should include what the violation or allegation is, an invitation to develop a corrective action plan, and a specific timeframe to respond to the notification. If the training provider chooses not to respond to the letter, they are confirming their decision to withdraw participation from the ETPL.

d. Development of CAP

The training provider, with assistance from the State, must develop a corrective action plan (CAP). The CAP will serve as a reapplication and should contain the following:

- Details of discussion; date, time, method of communication (phone, meeting, etc.), persons involved in discussion, and any other relevant details;
- Description of circumstances;
- Description of steps that will be taken to rectify the situation, including procedural changes that prevent recurrence;
- Appropriate timeframe to completion/resolution
 - Depending on severity of issue timeframes may vary
 - An evaluation of progress must be periodically conducted

C. Repayment of Program Funds

A provider of training services whose eligibility is terminated due to the aforementioned termination 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

Following issuance of a denial of eligibility, determination of suspension, determination of eligibility for status as a nonprofit organization not primarily operated to provide education or training, or termination of eligibility - the training provider will have 30 days in which to submit an appeal to the Governors Workforce Board. Within 30 days of the receipt of the appeal, the training provider will be notified of the date, time, and place where a due process hearing will be conducted. After that hearing a decision will be issued within 30 days. 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 provided an opportunity beginning December 10, 2016 and ending December 24, 2016 for interested members of the public to make recommendations and submit comments regarding such criteria, information requirements, procedures, and list.

Attachment 1

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.