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WORKFORCE
DEVELOPMENT
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TO: Indiana's Workforce Investment System

FROM: Teresa L. Voors *TLV*
Commissioner, Indiana Department of Workforce Development

THROUGH: Dr. Gina DelSanto *MDK for GDS*
Senior Deputy Commissioner for Agency Policy and Performance

DATE: May 26, 2010

SUBJECT: DWD Policy 2009-13
Training Provider Eligibility and Establishment of the Eligible Training Provider List under the Workforce Investment Act (WIA)

Purpose

The purpose of this communication is to provide an updated policy on the initial and subsequent application processes for the determination of eligible training providers and programs as appropriate for inclusion on the statewide eligible training provider list.

Rescission

This policy and procedures replace DWD Communication #98-65 issued on May 21, 1999.

References

Workforce Investment Act, Section 122
20 CFR 663.500

BACKGROUND

The Workforce Investment Act (WIA), Section 122 and its associated regulations at 20 CFR 663.500, requires the designated State agency to compile and disseminate a single list of training providers certified by Workforce Investment Boards.

For matters of administration, the State of Indiana shall be represented by the Department of Workforce Development (DWD). DWD shall receive guidance from the State Workforce Innovation Council (SWIC), who has the authority to establish processes and procedures that the local workforce investment boards (WIB) will follow. The SWIC is establishing a statewide, standardized system to eliminate duplication and provide uniformity in the provider information gathered for the list.

Training Provider Application Eligibility

WIA intends for job seekers to have freedom of choice in selecting any qualified training provider. The Act also intends for job seekers to make their decisions based on performance criteria. Therefore, the training provider list should include as many eligible training providers as possible with associated performance data.

The following types of providers may submit an initial eligibility application:

- Post-secondary educational institutions that are (a) eligible to receive funds under Title IV of the Higher Education Act of 1965 and (b) provide a program that leads to an associate degree, baccalaureate degree, or certificate;
- Entities that carry out programs approved by the Office of Apprenticeship. These include universities, colleges, some community colleges, some vocational-technical colleges, some proprietary schools, including apprenticeship programs registered with the Office of Apprenticeship (formerly called Bureau of Apprenticeship Training), USDOL;
- Post-secondary educational institutions seeking training funds for a program(s) that does not lead to an associate or baccalaureate degree, certification, or is not funded under Title IV of the Higher Education Act of 1965;
- Public and private providers of a program of training services, which includes entities such as some vocational-technical schools, community-based organizations (CBOs), private training companies, labor organizations, employer organizations.

Definition of Program of Training Services

The occupational training services that are obtained through the use of a WIA-funded individual training account (ITA) must be directly linked to the employment opportunities available in the local area or in another area to which the individual is willing to relocate. Furthermore, training should be limited to demand occupations.

A program of training services as defined in WIA Final Regulations (Sec 663.508) is one or more courses or classes that, upon successful completion, lead to:

- 1) A certification, diploma, associate degree, or baccalaureate degree; or
- 2) A competency or skill recognized by employers; or
- 3) A training regimen that provides individuals with additional skills or competencies generally recognized by employers.

For the purpose of ITAs, a program of training services must also be generally available to the public, must have regularly scheduled training classes, and must result in a recognized certification by industry or employer.

For example, a 12-week certified nursing assistant program offered for adults at a local career college meets the definition of a "training service" eligible for WIA funding. However, a single class in spreadsheets offered to adults at a local career college would not meet the definition of a "training service." Such a class would be considered an intensive service because it does not result in a recognized certification or occupational-specific skill.

INITIAL ELIGIBILITY PROCESS

As a result of re-establishing the SWIC's oversight role pursuant to Section 122 of WIA, the SWIC has authorized DWD to require all training providers to apply for initial and subsequent eligibility following the process outlined below, regardless of their approved status on the existing eligible training providers list.

Initial Eligibility Application Process

Notification

As a result of re-establishing the SWIC's oversight role pursuant to Section 122 of WIA, the SWIC has authorized DWD to notify training providers on the existing list that they must re-apply for initial eligibility. If the existing training providers do not respond within 30 calendar days of notification, the SWIC has authorized DWD to remove them from the existing approved training provider list. If WIA clients are currently using a provider that is removed from the list, the provider will continue to be reimbursed for all students enrolled prior to the loss of eligibility. All conditions of the application shall continue to be applied until those enrollments have completed training.

In the future, the WIB in conjunction with DWD and RWB shall be responsible for notifying entities in their area of the opportunity to apply for status as approved training providers. In addition, WIA allows states to enter into reciprocal agreements that allow the use of training providers from each other's statewide lists. Since Indiana is currently re-establishing the SWIC's oversight role under Section 122 of WIA, the reciprocal approach is not a priority. In cases where the WIB deals with out-of-state training providers, they should notify them of the new application process and direct them to the online application.

Application

Training providers must submit an online application for **each** program at **each** physical location for which they seek approval. **NOTE:** Programs, not providers, for each physical location are approved through this process. See Attachment 1 for the list of initial eligibility application questions.

Performance Data

The SWIC has authorized DWD to require training providers to supply performance metrics for each program. Following are examples of the types of data that may be collected. At a minimum, DWD will collect data for completion rates; DWD will supply employment rate and average earnings.

- Student enrollment for each program for which the training provider is seeking approval.
- Total number of completers for each program for which the training provider is seeking approval.
- Average time to complete for all individuals completing the applicable program. Training providers may supply the rate.
- Rate of all individuals completing the applicable program who obtain employment.
- Rate of individuals completing the applicable program who obtain employment in an occupation related to the program.
- The average hourly wage rate (without benefits) for all participants who completed the program (from the most recent 12-month period). Benefits should not be factored into the rate.

- Rate of individuals completing the applicable program and qualifying for objective assessment (e.g. licensure or certification examination).
- Rate of individuals completing the applicable program and passing an objective assessment (e.g. licensure or certification examination).

Training providers shall supply **student data** for each program for the last two academic years (defined as August to July) to the DWD inTERS system. Training providers applying for subsequent eligibility must annually update the student data in the inTERS system.

The SWIC has authorized DWD to waive the requirement for training providers to submit performance data for an initial 6-month period upon a showing of good cause. Good cause shall be limited to proof that a training program is new and/or there is no past performance data.

If the training provider does not have the required performance data, it must provide the data that is available and must provide written justifications for the missing data. The provider must also indicate how it shall track and report the data necessary for subsequent eligibility.

Initial Eligibility Application Review Process

Once all existing providers have re-applied for initial eligibility, new training providers shall be able to apply for initial eligibility throughout the year on an ongoing basis. However, training providers are urged to submit their applications at least six weeks before program start dates to ensure timely inclusion on the eligible training provider list. The WIB is responsible for determining the initial eligibility of providers and programs using a set of criteria (attachment 2) determined by the SWIC and in accordance with Section 122 of WIA.

Application Approval

Upon a determination by the WIB that an application by a training provider for a specific program and location meets the initial eligibility requirements, the WIB shall issue an approval notice via e-mail to the provider. Programs are approved for one year (after which providers must reapply for subsequent approval), and they shall promptly be added to the approved list of eligible training providers.

Application Denial

Upon a determination by the SWIC or WIB that an application does not meet the initial eligibility requirements, the SWIC or WIB shall promptly issue a separate denial notice for each training program denied.

The denial notice shall be e-mailed to the training provider contact listed on the application, shall clearly identify the program and location that was denied, and shall specify the reason for the denial. The denial notice shall also clearly state that the training entity has the right to request a re-determination to the SWIC within 10 business days of the date the denial notice is e-mailed.

Reasons for denial

A training program may be denied approval for the following reasons:

- The application is not complete or is not submitted in a timely manner (30 days for existing training providers who must re-apply for initial eligibility);
- The application does not meet approval criteria established by the SWIC;
- The program does not meet the definition of WIA Training Services;
- The training program does not support the demand occupations for the area;
- The training provider is not current in the payment of unemployment insurance contributions or reimbursements;
- The training provider is delinquent in payment of taxes or other obligations to any State of Indiana agency;
- The training provider intentionally supplies inaccurate information; or
- Any other requirement for a training program under WIA is not met.

Auditing

Training providers must allow provider facilities, classroom instruction, relevant financial and insurance records, attendance records, and any other applicable records to be reviewed by state, federal, and/or local monitors or auditors at any time to ensure compliance with funding requirements.

SUBSEQUENT ELIGIBILITY PROCESS

Subsequent Eligibility Application Process

Application

Eligible training providers and programs must be approved on an annual basis. The primary reasons for the annual review process are to verify that the training provider is still offering the training, to ensure that the information on the program and training provider is accurate, and to collect updated performance data to ensure that minimum performance levels established by the SWIC have been achieved.

When a training provider is initially approved, DWD shall assign an expiration date. It is the responsibility of the training provider to update all of its program information online within 30 calendar days of the expiration date. The SWIC or WIB has the right to deny subsequent eligibility to programs and providers.

Performance Data

All data required under the initial eligibility review process shall be required for subsequent eligibility. This includes updated performance and cost figures. If the training provider does not provide the required performance data, the WIB has the right to deny subsequent eligibility to programs and providers.

Subsequent Eligibility Application Review Process

Application Approval

Upon a determination by the WIB that an application by a training provider for a specific program and location does meet the subsequent eligibility requirements, the WIB shall promptly issue an approval notice to the provider.

Application Denial

Upon a determination by the SWIC or WIB that an application by a training provider for a specific program and location does not meet the subsequent eligibility requirements established in this policy, the SWIC or WIB shall promptly issue a separate denial notice for each training program denied and remove each denied training program from the eligible training providers list.

The denial notice shall be e-mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application, shall clearly identify the program and location that was denied and the specific reason(s) for the denial. The denial notice shall also clearly state that the training provider has the right to request a redetermination to the SWIC within 10 business days of the date the denial notice is e-mailed.

Continuation of ITA Funding for Denied Program

Should a provider lose its eligibility for a program(s), the provider shall continue to be reimbursed for all students enrolled prior to the loss of eligibility, and all conditions of the application shall continue to be applied until those enrollments have completed training.

Reasons for denial

A training program may be denied subsequent eligibility for the following reasons:

- The application is not complete or is not submitted within 30 days of the expiration date;
- The application does not meet approval criteria established by the SWIC;
- The program does not meet the definition of WIA Training Services;
- The performance data is not included with the application or the performance data does not meet established performance levels;
- The training program does not support the demand occupations for the area;
- The training provider is not current in the payment of unemployment insurance contributions or reimbursements;
- The training provider is delinquent in delivery of reports, payment of debt, or otherwise out of compliance with the Act, regulations, or any agreement executed under WIA.
- The training provider is delinquent in payment of taxes or other obligations to any State of Indiana agency;
- The training provider intentionally supplies inaccurate information; or
- Any other requirement for training programs under WIA is not met.

Auditing

Training providers must allow provider facilities, classroom instruction, relevant financial and insurance records, attendance records, and any other applicable records to be reviewed by state, federal, and/or local monitors or auditors at any time to ensure compliance with funding requirements.

TERMINATION OF ELIGIBILITY

Pursuant to Section 122(f), the SWIC has the responsibility to terminate a training provider's eligibility and remove it from the approved training provider list for a period of at least two years under the following conditions:

- The SWIC shall remove a training provider from the approved training provider list if it is determined that the training entity intentionally supplied inaccurate information.
- The SWIC shall remove a training provider from the approved training provider list if it is determined that the training entity substantially violated any requirement under the Workforce Investment Act of 1998.

A provider whose eligibility is terminated shall be liable for repayment of all funds received for the program during any period of noncompliance.

APPEALS PROCESS

The SWIC or WIB may deny training providers and programs inclusion on the statewide training provider list during the initial application review or any subsequent application review. The SWIC may also terminate eligibility to training providers and programs in accordance with Section 122(f) of WIA.

The training provider has the right to appeal denials and terminations.

A request for redetermination or appeal must be submitted in writing and signed by an authorized individual from the training provider. It should include the name of the training provider, contact address, and telephone number in addition to the name of the program (if applicable) that has been denied and the reasoning for the request for redetermination or appeal. Requests for redetermination or appeals must be submitted within 10 business days of the notification of denial.

Step 1

If the training provider and/or program was denied by the WIB, the training provider shall submit a request for redetermination in writing to DWD and shall copy the denying entity on the appeal request. DWD shall review the request for redetermination, including any new evidence the training provider submits, and based on this review may recommend to the Education Review Committee (ERC) of the SWIC, delegated by the SWIC, to uphold or reverse the original decision of the WIB. The initial process shall be referred to as an administrative reconsideration and must be completed within 5 business days of the receipt of the request for appeal.

Step 2

DWD shall forward the recommendation for approval or denial to the ERC of the SWIC and shall notify the training provider of the recommendation.

Step 3

The ERC of the SWIC shall conduct a hearing at which the training provider and the WIB shall be allowed to present their cases. The ERC of the SWIC shall issue an independent decision based on information gathered at the hearing. A written decision shall be issued to the training provider and other interested parties.

The decision of the ERC of the SWIC shall be final.

Review Date

December 31, 2011

Ownership

Jaclyn P. Dowd
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Effective Date

Immediately

Action

The State Workforce Innovation Council and Workforce Investment Boards shall ensure that the guidance contained within this policy is followed when determining the eligibility list for training providers.

Attachments: Attachment 1: Initial Application for the Eligible Training Provider List
Attachment 2: Approval Criteria Guidelines for WIBs

Attachment 1

**Initial Application for the Eligible Training Provider List
Training Providers
Workforce Investment Act Title IB Programs**

Section 1 - Provider Information

1. Organization's legal name as well as the name the organization is doing business as (DBA), if applicable
2. Address (address, city, state, zip, county) and mailing address, if applicable
3. Contact person and title
4. Telephone and E-mail address of contact person
5. Federal Employer Identification Number (FEIN)
6. School website
7. Date training institution was established
8. Is your organization accredited? Yes/No. Please list all accreditation(s), if applicable, and accrediting entity(s)
9. Is your organization licensed? Yes/No. Please list licensure(s), if applicable, and licensing entity(s)

Section 2 – Provider Assurances

Training Provider (name):

1. Is registered with the Indiana Secretary of State or its equivalent from the state in which the school is located.
2. Is eligible to receive WIA title I-B funds, and is (✓ check one):
 - a postsecondary institution eligible to receive Federal funds under the Higher Education Act of 1965, or
 - apprenticeship program recognized under the National Apprenticeship Act, or
 - a public or private provider of training programs
3. Does not discriminate against nor deny employment or services to any person on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I—financially assisted program or activity as specified in Title 29, Code of Federal Regulations Sections 37.20 through 37.22.
4. Is in compliance with the 1990 Americans with Disabilities Act (ADA).
5. Is insured and/or able to satisfy potential liabilities.
6. Is compliant with fire, building and safety codes, including off-campus locations or other sites.
7. Is not delinquent in payment of taxes or other obligations to any State of Indiana agency.
8. Agrees to allow provider facilities, classroom instruction, relevant financial and insurance records, and attendance records to be reviewed by state, federal and/or local monitors or auditors to ensure compliance with funding requirements. It is understood that institutions subject to the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g (FERPA), may only release data in accordance with that statute.
9. Agrees to provide completion data and allow the data to be posted online for public viewing.
10. Agrees to submit a revised application if program name, curriculum, or policies change.
11. Has read policies/procedures and agrees to abide by them.

I hereby certify, as an authorized representative of the said training institution, that the above statements and all information included in this application are accurate and true. False statements on this application will deem my organization ineligible to provide services under the Workforce Investment Act of 1998, P.L. 105-220, Title I, Sec. 122 (f).

Authorized Signature/Title

Printed Name

Date

Section 3 – Program Information

Training providers must complete *Section 3 – Program Information* for each program at each physical location.

A. General Information

1. Training provider name
2. Title of job specific training or degree program
3. Contact person and title
4. Telephone and E-mail address of contact person
5. Training location (address/city/state/zip/county)
6. Classification of Instructional Programs Code
7. Is the program offered to the general public? Yes / No. If no, explain.
8. Is career counseling available? Yes/No
9. Is placement assistance available? Yes/No
10. List potential future occupations

B. Program Information

11. Provide brief program description
12. Provide website address or upload catalog or program curriculum.
13. List credential(s) earned upon completion of program (i.e. Degree; Occupational Skills License; Occupational Skills Certificate; Occupational Skills Credential; Occupational Skills Certification; and Registered Apprenticeship. Note all that apply.) Please enter the complete title of the credential.
 - a. Is a test required for the certification/license? Yes/No
 - b. Is a certification or licensure test required to work in this field? Yes/No
14. What are the minimum credentials held by program faculty?
15. Program length
 - a. In terms of time (number of instructional weeks/semesters to complete the course)
 - b. In terms of number of credit hours or classes
16. Class time(s) available (i.e. day, evening, weekend)
17. What percentage of the program can be completed online?

C. Admissions Information

18. Prerequisites or admission requirements (i.e. HS/GED, reading, math, language level, SAT, ACT, Compass, Asset, GPA)
19. What percentage of applicants is admitted to the program?
20. When are the application deadlines? (e.g. rolling; May 15, 2010; August 1, 2010; and/or January 5, 2011)
21. Is part-time enrollment permitted? Yes/No

D. Program Costs

22. State the total cost to complete the program. Break it down by cost of tuition, admission fees, books, supplies, tools, labs, and other fees.
23. What is the average cost per credit hour/class? (Divide Question 22 by question 15b.)
24. List all sources of financial aid accepted: (i.e. Pell grants, Title IV, Sallie Mae, Federal Supplemental Educational Opportunity Grant, Academic Competitiveness Grant, National Smart Grant, TEACH grant, other federal and state student financial aid, private funds, student tuition assistance, Hope scholarship)
25. Does the school/program offer financial aid independent of the above?
 - a. How is eligibility for financial aid and/or scholarships determined?
26. Provide a link to the institution's refund policy or provide a description.

E. Program Performance Data

Data should be for a continuous 12-month period within the last 18 months. If your organization is unable to provide portions of this data, please provide justification for such, and indicate how this information will be made available within the next six months.

27. Timeframe for data collection (i.e. start date and end date)

28. Performance metrics:

- a. Total participants enrolled (full-time and part-time).
- b. Total participants exiting the program (completers and non-completers).
- c. Total participants who completed the program.
- d. Average time to complete the program (The length of time per completer/number of completers).
- * e. Total participants exiting the program who obtained employment.
- * f. Total participants exiting the program who obtained employment in an occupation related to the program.
- * g. The average hourly wage rate (without benefits) for all participants who exited the program.
- h. The percentage of students who qualified for an objective assessment (e.g. licensure or certification examination).
(Mandatory for all "yes" responses to licenses and certifications in question number 13 a & b)
- i. The percentage of students who passed the objective assessment (e.g. licensure or certification examination).
(Mandatory for all "yes" responses to licenses and certifications in question number 13 a & b)

Note: Performance data is required. However, should a provider not have appropriate data available at the time of application, a waiver may be granted for good cause for up to six months. In such cases, the training provider must provide any data that is available and must provide written justifications for the missing data.

*Data for sections e, f, g above will be provided by DWD.

Attachment 2: Approval Criteria Guidelines for WIBs

- **Initial Eligibility Provider Approval**
 - Institutions approved to receive Title IV funding are automatically eligible under WIA.
 - Entities approved to carry out programs under the National Apprenticeship Act are automatically eligible under WIA.
 - Public and private providers that are accredited by an approved US Department of Education accrediting body and/or accredited by the Indiana Commission on Proprietary Education (COPE) are automatically eligible.
 - All other institutions will be subject to the audit described below.

- **Initial Eligibility Provider Audit**
 - During the application process, the Department of Workforce Development will audit training providers who are not automatically initially eligible to ensure compliance with COPE, the Secretary of State, the Department of Revenue, the Department of Workforce Development, and other state agencies as needed.
 - In addition, training providers who are determined initially eligible will be selected at random (throughout the year) to ensure compliance with these same state agencies.

- **Initial Eligibility Program Approval for Title IV and Approved Apprenticeship Programs**
 - All apprenticeship programs approved by the Department of Labor are automatically eligible for the first year.
 - All programs offered at Title IV institutions are automatically eligible for the first year as long as they meet the following conditions:
 - The programs must be credit-bearing (baccalaureate, associate's, or certificate) and Pell-eligible; if they are not, then that particular program is not automatically eligible and must go through the more extensive program approval process outlined below (for non-Title IV proprietary programs).
 - Program application must be accurate and complete.

- **Initial Eligibility Program Approval for non-Title IV and non-Approved Apprenticeship Programs**
 - Program application must be accurate and complete.
 - Credentials
 - Program must lead to a bachelor's degree, associate's degree, certificate, or industry-recognized certification/journeyman's card/license.
 - The eligible training provider list is for occupational skills training **only**. Occupational skills training is defined as: A program designed to prepare persons with the skills and knowledge to enter employment in a specific occupation or group of occupations. Programs vary in length but must lead to the skills and knowledge for **entrance** into the occupational fields. **NOTE:** Occupational skills training includes any Adult Basic Education program with an associated bridge program as defined by the Education and Training Programs team at DWD.

- Performance Criteria
 Training providers are required to submit program data on all of their students (not just Workforce Investment Act (WIA) students).

The State Workforce Innovation Council (SWIC) has determined that performance data is critical to ensuring the quality of programs on the eligible training provider list. Please note the minimum completion rates for initial eligibility will increase after the first year. This increase will affect all new programs that were not approved during the 2010 academic year (July 1, 2010 to June 30, 2011).

- Completion Rate
 - *Minimums:*
 - 20% completion rate for all programs submitted during the 2010 academic year
 - 35% completion rate for all programs submitted after the 2010 academic year
 - *Data collection:* Providers will be required to enter data into the DWD inTERS system for the previous **two academic years**.
 - *Definitions:*

Length of Program	Completion Rate Definitions
Short-term programs (1 year or less)	<i>Participants:</i> All students who enroll in a training program for 1 credit or more in the fall semester, 2 years prior to the current academic year.
	<i>Completers:</i> All students who enroll in a training program for 1 credit or more in the fall semester, 2 years prior, and complete the training program within the 2-year time period.
	<i>Completion rate = participants/completers</i>
Associate degree programs	<i>Participants:</i> All students who enroll in a training program for 1 credit or more in the fall semester, 3 years prior to the current academic year.
	<i>Completers:</i> All students who enroll in a training program for 1 credit or more in the fall semester, 3 years prior, and complete the training program within the 3-year time period
	<i>Completion rate = participants/completers</i>
Length of Program	Completion Rate Definitions
Baccalaureate degree programs	<i>Participants:</i> All students who enroll in a training program for 1 credit or more in the fall semester, 5 years prior to the current academic year.
	<i>Completers:</i> All students who enroll in a training program for 1 credit or more in the fall semester, 5 years prior, and complete the training program within the 2-year time period.
	<i>Completion rate = participants/completers</i>

- DWD will collect employment rate, quarterly wage data, and wage gain data for completers, and minimums may be established.
 - *Data collection:* Providers will be required to enter data into the DWD inTERS system for the previous **two academic years**.
- **Subsequent Eligibility Program Approval**
 - The approval process will be the same as indicated in the initial eligibility program approval criteria, except performance criteria minimums are higher.
 - The State Workforce Innovation Council (SWIC) has determined that performance data is critical to ensuring the quality of programs on the eligible training provider list. Please note the minimum completion rates for subsequent eligibility will increase after the 2011 academic year.
 - **Completion Rate**
 - 35% completion rate for all programs submitted during the 2011 academic year
 - 50% completion rate for all programs submitted after the 2011 academic year
 - DWD will collect employment rate, quarterly wage data, and wage gain data for completers, and minimums may be established.
 - 5% of eligible training providers will be selected for annual site visits to ensure program quality.
- **Termination of Eligibility**
 - Training providers will be removed from the list for the following reasons:
 - **Accuracy of information:** The provider will be removed from the list for a minimum of two years for intentionally supplying inaccurate information.
 - **Noncompliance:** The provider will be removed from the list for noncompliance.

A provider whose eligibility is terminated shall be liable for re-payment of all funds received for the program during any period of noncompliance.