



WIOA IMPLEMENTATION TASKFORCE 04/21/16

ETPL Policy Issues

- Appeals Process
- Waiting period after removal from list
- Performance criteria
- Credential definition/outcome of training
- Regional provisions

Appeals Decision

Two-step appeals process:

Step One: Administrative Review

Providers of training services may request a review by the department when it has received a denial for inclusion on the Eligible Training Provider List (ETPL) or a termination of eligibility. The request for review for these reasons must be submitted using the INTraining website within ten (10) business days after the department notifies the training provider of its denial for inclusion on the ETPL or termination of eligibility.

The request for review shall include, but not limited to, the following items:

- (1) Name of Provider and the affected program
- (2) Date
- (3) Justification for review
- (4) Any documentation to support the provider's justification

The department committee comprised of three staff members will conduct a review and send notice of its decision to the provider within thirty (30) business days of receiving the request for review.

Appeals Decision

Step Two: Appeal of Review Decision

Providers may request an appeal of the department administrative review decision by submitting a written petition for review within fifteen (15) business days of receipt of the notice of administrative decision.

The three-person committee designated by Commissioner will hold an administrative hearing not more than sixty (60) business days after the department receives the written request. The hearing shall include an opportunity for the petitioner and the respondent to submit written and verbal information to the presiding committee. Following the hearing, the council, or its designee, will issue a decision within ninety (90) business days of the completion of the hearing. The DWD commissioner shall serve as the ultimate authority.

Waiting Period

WIOA Legislation Summary

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

- Failure to submit the required data or
- Failure to meet other application requirements

A program of training services may be removed from the list for the following reasons:

- Failure to meet performance criteria;
- Intentionally supplying inaccurate information; or
- Other substantial violations of WIOA

Waiting Period

WIOA Legislation Summary

- WIOA, Sec. 122, mandates at least a 2 year time limit for re-application when a provider is removed from the list for:
 - Intentionally supplying inaccurate information
 - Substantial Violations of WIOA
- Proposed Rule § 680.480 also mandates at least a 2 year time limit for re-application when a provider is removed from the list for:
 - Intentionally supplying inaccurate information
 - Substantial Violations of WIOA
- Both WIOA and proposed regulations are silent as to a required time limit for re-application when a program fails to meet established performance criteria and when a program is denied eligibility.

Waiting Period

DWD is responsible for determining the applicable time limit the provider must wait before re-applying to be on the list once the program has been denied eligibility or removed from the list.

Waiting Period

Recommendations:

- Re-application time limit when a program is denied eligibility
 - 6 months

- Re-application time limit when a program fails to meet the established performance criteria
 - 6 months

- Re-application time limit when a provider intentionally supplies inaccurate information or substantially violates WIOA
 - 2 years

Thoughts?

Performance Criteria

The Law

- States **must** establish criteria for continued eligibility to evaluate providers **annually**. The criteria **shall** take into account the performance of providers of training services with respect to the following performance accountability measures in WIOA, sec. 116 (Governors are encouraged to establish minimum performance standards):
 - the percentage of program participants who are in **unsubsidized employment during the second quarter** after exit from the program;
 - the percentage of program participants who are in **unsubsidized employment during the fourth quarter** after exit from the program;
 - the **median earnings of 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 during participation in or within 1 year after exit from the program.

Performance Criteria

The Law

- Other appropriate measures of performance outcomes by the Governor for those participants receiving training services and the outcomes of the program through which those training services were provided for students in general with respect to employment and earnings.

- Other factors that the Governor determines are appropriate in order to ensure the accountability of providers and other measures. *May include (per TEGL 41-14):*
 - the ability of a provider to partner with employers and to provide job placement services;
 - the dropout rate of the training provider; and
 - the student loan default rate of the provider.

Performance Criteria

	Completion Rate	Entered Employ/2Q	Employment 4Q	Wage at Placement	Credential Consideration	WIOA Customers
Texas	60%	60%		At least \$7.25		
Arkansas	19.50%					
Alabama	40%	40%				60% completion rate
Maryland		61%				61% employment rate
Idaho				At least \$10	Defines high quality	
Nebraska		50%	65%	At least \$7020 quarterly		
Indiana	28% credit-bearing 60% short-term					
Oklahoma	20%	20%		At least \$7.25		

Performance Criteria

Indiana has previously required a **28% completion rate** for credit bearing programs and a **60% completion rate** for short term programs.

Performance Criteria

What minimum performance standards do you think Indiana should require based on the following required performance accountability measures?

- the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
- the median earnings of 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 during participation in or within 1 year after exit from the program.

Are there any other standards Indiana should consider for continued eligibility to ensure provider accountability?