



To: Workforce Development Board Chairs
Workforce Development Board Directors
Regional Chief Elected Officials

From: Regina Ashley, Associate Chief Operations Officer for Policy RA
Indiana Department of Workforce Development

Date: December 30, 2015

Subject: 2015-03
Training Provider Eligibility and Establishment of the Eligible Training Provider List under the Workforce Innovation and Opportunity Act (WIOA)

Purpose

To provide an updated policy with new information, criteria, and procedures required under the Workforce Innovation and Opportunity Act of 2014 (WIOA) for the Eligible Training Provider List.

Rescission

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

References

- Workforce Innovation and Opportunity Act (WIOA) Section 122
- WIOA Proposed Regulations, Sections 680.400 – 680.530
- TEGL 41-14

Michael R. Pence, *Governor*
Steven J. Braun, *Commissioner*

10 N Senate Avenue
Indianapolis, IN 46204-2277
www.IN.gov/dwd

Phone: 317.232.7670
Fax: 317.233.4793

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Content

Background

The workforce development system established under The Workforce Innovation and Opportunity Act (WIOA) emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principals.

Under WIOA, a designated State agency is required to compile and disseminate a single statewide list of eligible training providers, known as the Eligible Training Provider List, (ETPL). For matters of administration, the State of Indiana shall be represented by the Department of Workforce Development, (DWD). This statewide list ensures the accountability, quality, and labor-market relevance of training programs that receive funds through WIOA. Likewise, it is also a means for ensuring informed customer choice for individuals who are eligible for training services.

The implementation of the new ETPL procedures under WIOA will take place in two phases. The first phase will be establishing and implementing new eligibility criteria as required by WIOA for all training providers wishing to be added to the list or to remain on the list. Indiana's ETPL will be administered through the INTraining website that has been updated to support the implementation of WIOA by providing enhanced features and accessibility for users. **The INTraining website and all corresponding guidance documents can be found at: <https://solutions.dwd.in.gov/INTraining> .**

The second phase of the implementation process will begin in January 2016. During this phase, DWD will work to further align systems and policies with the requirements of WIOA and the corresponding federal regulations.

Training Provider Application Eligibility

In order to be eligible to receive WIOA funding for the provision of training services, providers shall be:

- An institution of higher education that provides a program that leads to a post-secondary credential; or
- An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or
- Another public or private provider 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.

Initial Eligibility and Application Process

Training providers may submit an application through the INTraining website to begin the process of initial eligibility. All applications for the ETPL will be completed online at:

<https://solutions.dwd.in.gov/INTraining> . Please refer to DWD's procedural guidance documents for details of the application process which can also be found posted on this INTraining website.

Training providers must report all required student level data to DWD, which includes each student's social security number. If the social security number is unavailable, providers must report each student's address AND date of birth. All providers seeking to be on the ETPL must report the required data for *all students*; (all students **in the program** must be reported in data **regardless of funding**), per WIOA. Please refer to DWD's procedural guidance documents on the INTraining website for details: <https://solutions.dwd.in.gov/INTraining> .

Once the online application is submitted and DWD has determined that the required information has been provided, each applicant will be notified of the training provider and/or program's approval, denial, or request for further information within 30 days of the receipt of a complete application.

Registered apprenticeship programs are subject to the application process outlined above, including submitting all required data. However, registered apprentice programs will not be subject to the performance requirements; please see DWD's procedural guidance documents for further details. While registered apprenticeship programs are automatically eligible after submitting required data, not all registered apprenticeship sponsors may wish to be included on the list. Registered apprenticeship programs will automatically be included on the INTraining list as long as they maintain an active registration or until they indicate they do not wish to be on the list.

Failure to submit the required data will result in denial of the requested programs on the ETPL.

Continued Eligibility (Subsequent Eligibility under WIA)

Training providers must submit updated program information and required student data online for Continued Eligibility annually by the designated deadline to remain on the ETPL. The training provider also must show that it is authorized by the appropriate oversight agency to operate in Indiana and must include all required data as outlined in DWD's procedural guidance:

<https://solutions.dwd.in.gov/INTraining> .

Failure to submit the required data will result in denial of the requested programs on the ETPL.

Data Requirements

The data required for initial and continued eligibility as well as the process for submission is detailed in DWD's procedural guidance documents found on the INTraining website at <https://solutions.dwd.in.gov/INTraining> . DWD will provide a secure means to transmit the data file online. Each program on the ETPL will have its aggregate data published online via the INTraining website to support informed consumer choice and to adhere to federal WIOA requirements.

Exceptions

Programs located out of state and who are approved for inclusion on another state's ETPL will be automatically approved for inclusion on Indiana's ETPL, as long as they maintain compliance with state and federal regulations.

Per WIOA, certain work-based training programs will be exempt from the ETPL requirements. Any performance information required to be reported to the state for work-based training programs will be outlined in their respective state policies. These programs include:

- On-the-Job training (OJT)
- Incumbent worker training
- Customized training
- Internships
- Transitional employment
- Paid or unpaid work experience opportunities

Any questions on these work-based training programs can be referred to policy@dwd.in.gov .

Conditions for Removal

DWD may remove a program from the list for failing to meet the established criteria, not providing the required data, or if the program has failed to attain or has lost the accreditation required for professional licensure.

Per WIOA, DWD shall remove any providers that intentionally supply inaccurate information, misrepresent costs or services, or that substantially violate the law or regulations under WIOA, (or those previously under WIA). Providers are liable to repay all WIA and/or WIOA funds received during the period of non-compliance. A training provider or program that is removed from the list for these reasons may re-apply after a minimum of two years has passed, as mandated by WIOA.

No training provider that has been barred by the Federal Government to receive federal funds will be permitted to be placed or remain on the ETPL.

If a training provider and/or program is removed from the list, (for reasons other than failure to meet data submission requirements), while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensure, certification, or authorization to operate by the appropriate state oversight agency.

Appeals

Training providers can choose to appeal the denial of their program for inclusion on the ETPL, or its subsequent termination of eligibility. All appeals must be submitted in writing via email to intraining@dwd.in.gov within 10 business days after notification of the decision. The appeal must include the justification for the appeal in their request. The training provider also has the right to request a hearing to discuss their appeal. The appeals procedure will allow for a hearing, if requested, and a decision will be made within 60 days of the appeal submission. This decision will be final.

Effective Date

December 30, 2015

Ending Date

Upon rescission.

Contact for Questions

policy@dwd.in.gov