

To: Indiana’s Workforce System

From: Indiana Department of Workforce Development (DWD)

Date: June 27, 2024

Subject: DWD Policy 2020-16, Change 2
INTraining and Eligible Training Provider List (ETPL) Eligibility and Establishment Under the Workforce Innovation and Opportunity Act (WIOA) Title I

Purpose

To provide guidance for the INTraining program and the Eligible Training Provider List (ETPL) as required under WIOA.

Change 2 Summary

Clarification regarding ETPL removal and reinstatement of providers failing to meet minimum performance standards, as described in DWD Technical Assistance 2020-17, Change 2 *Workforce Innovation and Opportunity Act (WIOA) INTraining and Eligible Training Provider List (ETPL) Procedural Guidance*, has been added.

Rescission

DWD Policy 2020-16, Change 1 *INTraining and Eligible Training Provider List (ETPL) Eligibility and Establishment Under the Workforce Innovation and Opportunity Act (WIOA) Title I*

References

- WIOA Sec. 122
- 20 CFR 680.400 – 680.530
- 29 CFR Part 38
- TEGL 3-18 *Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA)*
- TEGL 8-19 and TEGL 8-19, Change 1 *Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs*
- DWD Technical Assistance 2020-17, Change 2 *Workforce Innovation and Opportunity Act (WIOA) INTraining and Eligible Training Provider List (ETPL) Procedural Guidance*

Content

The workforce development system established under WIOA Title I emphasizes informed consumer choice, job-driven training, training provider performance, cost-effective investment of public funds, and the continuous improvement of service delivery. The quality and selection of training providers and programs is vital to achieving these core principles.

Under WIOA, each state is required to compile and disseminate a single statewide list of eligible training providers, known as the Eligible Training Provider List (ETPL). This statewide list ensures the accountability, quality, and labor-market relevance of training programs that receive WIOA funds. Likewise, it affords informed consumer choice for individuals who are eligible to receive training services.

The INTraining website and all corresponding procedural documents can be found at INTrainingDWD.org.

It is important to note the distinction between the **INTraining list** and the **ETPL**.

- **INTraining list:** Contains all training provider applicants whose training programs meet the basic application standards set by the Indiana Department of Workforce Development (DWD).
- **ETPL:** Contains a subset of the INTraining providers whose training programs meet additional demands and performance criteria set by DWD per WIOA. These training programs are eligible for WIOA funding through the local WorkOne office.

For additional guidance, please refer to DWD Technical Assistance 2020-17, Change 2 *Workforce Innovation and Opportunity Act (WIOA) INTraining and Eligible Training Provider List (ETPL) Procedural Guidance*.

Eligible Training Providers

An Eligible Training Provider (ETP) is an entity that provides a program of training services and has been determined as eligible to receive WIOA funding for training services through an Individual Training Account (ITA).¹ These providers and programs will be included in the state ETPL. Indiana's ETPL will be administered through the INTraining website, which has been updated to support the implementation of WIOA by providing enhanced features and accessibility for users.

Only the entities listed below may apply for inclusion on the INTraining list, and these are the only entities eligible to provide training for participants who enroll in a WIOA Title I funded program of training services. Training provider entities eligible to apply for inclusion on the INTraining list include:

- A. Institutions of higher education that provide a program that leads to a recognized postsecondary credential;
- B. Registered Apprenticeship Programs (RAP);
- C. Other public or private providers that provide training, which may include community-based organizations (CBOs) and joint labor-management organizations;
- D. Eligible providers of adult education and literacy activities under WIOA Title II if such activities are provided in combination with training services described in 20 CFR § 680.500; or
- E. Local Workforce Development Boards (LWDBs) if they meet the conditions of WIOA Section 107(g)(1).

ETPs are subject to the equal opportunity and non-discrimination requirements contained in Section 188 of WIOA and implementing regulations at 29 CFR part 38, including complaint processing procedures

¹ An ITA is a payment agreement established by a local workforce development board (local board) on behalf of a participant with a training provider and may be used to pay for any allowable type of training, if the program of training service (also referred to as "program of study") is on the state ETPL.

and assurances as required by the same.

Eligible Training Provider List

The ETPL will be made publicly accessible to consumers through the INTraining website. The list will also be provided in formats accessible to individuals with disabilities. Local boards must assist the state to ensure the dissemination and appropriate use of the ETPL through the local one-stop delivery system, including formats accessible to individuals with disabilities. Discrimination is prohibited based on national origin, including limited English proficiency. The ETPL must be accessible in other formats and languages consistent with the requirements of 29 CFR 38.9.

Eligible Programs of Study

WIOA allows the use of multiple kinds of participant training. These training services could be delivered in-person, online, or in a blended approach. Eligible types of training for inclusion on the INTraining list include:

- A. Occupational skills training, including training for non-traditional employment;
- B. On-the-Job training (OJT);
- C. Incumbent Worker Training (IWT);
- D. Programs that combine workplace training with related instruction, which may include cooperative education programs;
- E. Training programs operated by the private sector;
- F. Skill upgrading and retraining;
- G. Entrepreneurial training;
- H. Job readiness training provided in combination with the training services described in (A) through (G);
- I. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services provided in any of clauses (A) through (G); and
- J. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training.

Initial and Ongoing Eligibility Requirements

Under WIOA, the State of Indiana has established specific requirements that a training program must meet to be eligible to receive WIOA funding. Training providers must complete initial and annual requirements to receive and maintain eligibility on INTraining and the ETPL. The Governor's Workforce Cabinet (GWC) in consultation with DWD reserves the right to review and reestablish the initial and continued eligibility requirements on an annual basis. These requirements include:

- In-demand metrics:
 - Training leads to an in-demand occupation in the region;² and
 - Training leads to a post-secondary credential.

² DWD Technical Assistance 2020-17, Change 2.

- Performance metrics:
 - Meets the minimum performance criteria set by DWD.
- Annual Review of the application information.
- Approved providers must ensure access to training services throughout the state, including in rural areas, and through the use of technology.³
- Approved providers must be compliant with the Americans with Disabilities Act and provide training that is physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.⁴
- Approved training providers will be required to provide performance data on all training participants as mandated by WIOA section 116(d)(4). The reporting information must contain the nine elements on "All Individuals" in the in the ETA-9171 report. (i.e., the annual report comprised of performance information supplied by the state directly to the Employment and Training Administration of the US Department of Labor) report.⁵ These elements are as follows:
 1. Total number of individuals served;
 2. Total number of individuals exited (includes students who completed, withdrew or transferred out of the program);
 3. Total number who completed the program;
 4. Total number of exiters employed in the 2nd quarter after exit;
 5. Total number of exiters employed in the 4th quarter after exit;
 6. Median earnings of exiters in the 2nd quarter after exit;
 7. Total number of exiters who attained a credential during participation or within one year after exit;
 8. Average earnings in the 2nd quarter after exit; and
 9. Average earnings in the 4th quarter after exit.
- Approved providers must submit accurate and timely information for participants receiving training under WIOA Title 1-B.⁶
 - Below are substantial violations for failing to timely and accurately submit Federal Performance Reporting:⁷
 - Any program that does not successfully complete their reporting of appropriate program year student-level data by the July 31st deadline will be placed into a "Pending Data" status and will not be fundable for a minimum of six (6) months. The training provider will still be obligated to submit student-level data during the six (6) month unfunded time frame.
 - If a training provider does not complete student-level data reporting during the pending data time frame, the program will be terminated for two (2) years.

³ 20 CFR 680.460(f)(2).

⁴ 20 CFR 680.480(b).

⁵ 20 CFR 680.490(a).

⁶ 20 CFR 680.460(g).

⁷ 20 CFR 680.460(l).

- When determining an approved provider's program for eligibility to receive WIOA funding, the state will consider the performance outcomes of the program. If a program does not have available data at the time of initial application, the program will be granted initial eligibility for only 1 year for a particular program.⁸
- Programs can qualify to be regionally or statewide funded. Programs must meet the following minimum performance criteria:⁹
 - Best of 2nd or 4th quarter completers employment rate greater than 30%; or
 - 50% credential rate of all students served; or
 - Annual total completer's median earnings equal to or above \$10/hour.

NOTE: Programs that do not meet minimum performance criteria will be removed from the ETPL, i.e., ineligible for WIOA funding. Programs may be reinstated to the ETPL, i.e., eligible for WIOA funding, within the current program year after an additional satisfactory performance check is completed by DWD.¹⁰

- Approved providers must submit annual performance and cost information for each of the provider's programs of study that are on the ETPL.¹¹
 - To maintain INTraining or ETPL inclusion, all training providers must complete an annual review of each provider location and program to ensure that the WIOA Title I-financially assisted program is conducted in a nondiscriminatory manner according to WIOA Section 188 and 29 CFR Part 38.¹²
 - To maintain ETPL inclusion, all training providers must complete the annual federal performance reporting. Under WIOA, each state is required to submit student-level data for all training programs to the United States Department of Labor (USDOL) on an annual basis.¹³

Termination¹⁴

DWD reserves the right to terminate a training provider, provider location, or program from INTraining or the ETPL. Reasons may include, but are not limited to, failing to complete student-level data reporting requirements, intentionally supplying inaccurate information, misrepresenting costs or services, violating WIOA statutes or regulations, and/or being barred by the federal government from receiving federal funds.

Training providers may request a review by DWD for any provider location or program that has been terminated. A training provider may request up to three reviews by DWD: administrative review, appeal of administrative decision, and objection to the Department Review Committee's decision.¹⁵

⁸ 20 CFR 680.450(g).

⁹ 20 CFR 680.490(c) and 20 CFR 680.450(e)(4).

¹⁰ See DWD Technical Assistance 2020-17, Change 2 for additional removal/reinstatement process details.

¹¹ 20 CFR 680.490(a).

¹² 20 CFR 680.480(b).

¹³ 20 CFR 680.490(a).

¹⁴ 20 CFR 680.480(a) and 20 CFR 680.470(b) and (c).

¹⁵ DWD Technical Assistance 2020-17, Change 2.

Apprenticeships

United States Department of Labor (USDOL) Registered Apprenticeship Programs (RAPs) are automatically eligible to be included on the ETPL and are exempt from federal, state, and local ETP eligibility and federal performance reporting requirements.¹⁶ Registered Apprenticeship programs will be included on INTraining through a minimally burdensome process once the program sponsor opts in and has provided the following information to DWD:¹⁷

- A. Occupations included within the RAP;
- B. The name and address of the RAP sponsor;
- C. The name and address of the Related Technical Instruction (RTI) provider and the location of instruction if different than the program sponsor's address;
- D. The method and length of instruction; and
- E. The number of active apprentices.

Once the apprenticeship sponsor has provided DWD with the above information, their program will be automatically approved and listed on the INTraining system.¹⁸

Local Workforce Development Board

A local board has the flexibility to determine how it will deliver training. Only ITAs require the use of an ETP from the ETPL. Local boards may implement additional requirements for providers, except for RAPs. Adding local ETPL requirements would result in the local ETPL containing a subset of the state ETPL. A local board that does not add requirements must include all state ETPs on its local ETPL. In either case only training providers that are approved for the state ETPL may be included on the local ETPL.

If the local board chooses to enforce additional requirements, the local board must adopt a policy explicitly detailing the additional requirements. Local boards must ensure that the state ETPL is disseminated publicly through the local one-stop system and its partner programs, including in formats accessible to individuals with disabilities. The ETPL must be accessible in other formats and languages consistent with the requirements of 20 CFR 38.

Review of Determination

Local Workforce Boards have the right to request a review of regional occupational demand and certificate inclusion from DWD. Training providers have the right to request a review of program approval from DWD.¹⁹

Effective Date

Immediately.

¹⁶ 20 CFR 680.450(b).

¹⁷ 20 CFR 680.470(a).

¹⁸ TEGL 08-19, Change 1.

¹⁹ DWD Technical Assistance 2020-17, Change 2.

Ending Date

Upon rescission.

Additional Information

Questions regarding the content of this publication should be directed to policy@dwd.in.gov.