

West Central Region Local Policy

Subject	Effective Date	Revision	Policy Section
Eligible Training Provider	5/27/2020	2	Programs

Reference: OWD Issuance 11-2018

Purpose

This local issuance establishes policy for selecting and approving eligible training providers (ETP) for the West Central Region and also addresses accountability and compliance with WIOA, procedures for Pell Grant reimbursement to WIOA for tuition, and specific terms and expectations of the ETPs.

Background

As required by WIOA sec. 122, States, in partnership with Local Boards, must identify eligible training providers that are qualified to receive WIOA title I-B funds to train adults and dislocated workers, including those with disabilities. Therefore, WIOA requires that each State must maintain a list of eligible training providers and their eligible training programs. The list must be accompanied by relevant performance and cost information and must be made widely available, including in electronic formats, and presented in a way that is easily understood, in order to maximize informed consumer choice and serve all significant population groups.

Strategy

The approved list of eligible training providers can serve as an important tool for participants seeking training to identify appropriate providers, and relevant information such as cost and program outcomes. Using the list of eligible training providers, case managers in one-stop job centers can assist participants in identifying training and training providers in high demand industries that result in positive outcomes and recognized credentials.

Local Selection/Approval of ETPS Providers/Programs

1. The Workforce Development Board of Western Missouri, Inc. (WDB) will select/approve providers for the ETPS list based on justification that the training is for in-demand industry sectors and occupations in the West Central Region and occupations have a Grade A, B, or C per MERIC. To determine current and emerging in-demand sectors and occupations the WDB will use relevant labor market information from sources such as MERIC and ONET. Per MERIC data, the West Central Region recognizes the following in-demand sectors:
 - Healthcare/Social Assistance
 - Manufacturing
 - Retail Trade
 - Food Production

Any training for occupations outside of these in-demand sectors will be evaluated on a case by case basis and will require approval of the WDB.

2. The WDB designated reviewer(s) will complete the review and determine the eligibility of a training program for use in the West Central Region within 10 days following the date the training provider was approved by the State (DWD).

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3. The WDB will apply due diligence at all times when reviewing the status of a training institution prior to the enrollment of participants. The steps of due diligence will include the review of:
 - Information addressing the alignment of the training services with in-demand industry sectors and occupations as long as the contract does not limit the individual's consumer choice.
 - The program costs of training services.
 - Information addressing performance (employment, earnings, credential attainment).
 - Completion rate of WIOA participants

The WDB may be subject to questioned costs if staff enrolls WIOA participants in a training institution *not authorized* to conduct business in Missouri.

4. Training must lead to a certificate, an associate, or baccalaureate degree, competency or skill recognized by employers; and be at least one of the following: accredited, approved, certified, licensed, or registered by an authorizing agency or organization.
5. Participants eligible for training will select a training provider from the State's approved provider list.

Job Center staff will ensure the program is approved and in good standing on the Missouri's Eligible Training Provider System (ETPS). An approved ETP does not automatically have every class/course approved.

6. 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.), also may qualify for eligibility. Registered Apprenticeships that request to be included on the ETPS list are automatically approved with no further vetting by the State. A registered Apprenticeship will remain on the list of eligible training providers (ETP) indefinitely if the provider remains registered with the U.S. Department of Labor, Office of Apprenticeship.

Expected Performance Levels of Eligible Providers

WIOA requires all states to provide scorecards for each ETP's approved programs listed on the ETPS list. The U.S. Departments of Labor and Education states that approved Eligible Training Providers will collect and share data on the outcomes of all students, not just the WIOA participants.

An Eligible Training Provider must meet or exceed the following requirements:

- The number of WIOA participants completing the program can be no less than 50% of the number of participants that started the program.
- Cost to complete the program is not higher than twice the amount of completing the equivalent program at other local training providers within a reasonable distance on the ETPS.
- Performance benchmarks must meet or exceed the WDB's planned performance benchmarks.

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Performance Benchmarks

Employment (six months after exit)
Employment (twelve months after exit)
Median Earnings
Credential Attainment

Apprenticeship programs registered under the National Apprenticeship Act are not required to submit performance information as long as they remain registered with USDOL, Office of Apprenticeship, but may voluntarily submit the information.

Methods for Reimbursement

The following paragraph is included in the award notification provided to training providers:

WIOA funding should be a final resort for training. If PELL is received after obligation, the participant and/or training provider must inform the Job Center Manager of additional funds to be considered. If PELL is applied, participant and/or training provider agree to reimburse the Job Center if WIOA funds have already been disbursed.

Reimbursements are to be returned to the Job Center Manager.

West Central Region Assurances

The WDB agrees to:

1. Carry out the login and online procedures to the State's electronic ETPS
2. Determine and approve initial eligibility.
3. Renew the eligibility of providers and programs.
4. Terminate ETPS or programs, when necessary due to poor performance or violation of WIOA requirements.

Terms and Expectations of the ETP

Monitoring

The Training Provider will be informed that the Workforce Development Board, Division of Workforce Development, U.S. Department of Labor, or other such related agencies may monitor the ETP to ensure compliance with rules and regulations. **The ETP must allow monitoring visits for WIOA compliance, EO compliance and participant progress.**

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Nondiscrimination and Equal Opportunity

Eligible Training Providers must guarantee that the required nondiscrimination and equal opportunity language listed below will be included in all grants, cooperative agreements, plans, contracts, and other similar documents as noted in 29 CFR Part 38. Eligible Training Providers agree to comply fully with all nondiscrimination and equal opportunity provisions of the following laws:

- WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis 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 WIOA Title 1 financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
- Title II Subpart A of the American with Disabilities Act of 1990, as amended, which state in part, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity; and
- Genetic Information Nondiscrimination Act of 2008, which prohibits discrimination on the basis of genetic information with respect to health insurance and employment;
- The Training Provider also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the Eligible Training Provider’s operation of the WIOA Title 1-financially assisted program or activity, and to all agreements the provider makes to carry out the WIOA Title 1-financially assisted program or activity. The Eligible Training Provider understands that the United States government has the right to seek judicial enforcement of this assurance.

Eligible Training Providers must agree to follow all requirements of the Workforce Innovation and Opportunity Act (WIOA), including:

1. The ETP should have an EO Officer or a staff person that deals with nondiscrimination and equal opportunity policies and regulations.

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2. The Missouri Division of Workforce Development’s “Equal Opportunity is the Law” poster shall be posted in the facility.
 3. Contract agreements shall contain nondiscrimination and equal opportunity provisions.
 4. The ETP shall advertise to underserved populations.
 5. The ETP shall have an accommodations policy.
 6. The ETP must have a process for analyzing equal opportunity demographics for students that attend the institution. The following data may be requested during an EO monitoring visit:
 - ☐ Training program applications by demographics.
 - ☐ Training program selection outcomes by demographics.
 - ☐ Training program graduation/completed outcomes by demographics.
 - ☐ Training program incompletions outcome by demographics.
 - ☐ Training program placement wage outcomes by demographics.
 7. The ETP shall have a confidentiality policy regarding the process for collecting confidential data.
 8. The Training Provider shall have a written EO complaint policy.
- Additionally, the ETP must allow monitoring visits for EO compliance.

Renewing of Eligible Training Providers

1. Provider/programs will be reviewed annually prior to the end of each program year (June 30th). After one year the school will complete the process of the original approval for subsequent approval.
2. If at any time the WDB determines the training provider is no longer adhering to the terms and expectations listed in this document, the approval will be disqualified and the training provider notified.
3. The WDB may grant a probationary period for corrective action before disqualifying the program for local approval.

Termination of Eligible Training Provider

Removal of an ETP approved by the West Central Region may be based on:

1. Failure to provide required data
2. Failure to notify of program changes including, but not limited to – costs, location of training, or a change in the program any time after its original approval
3. Failure to meet established criteria
4. Failure to meet minimum levels of performance
5. Intentionally supplying inaccurate information

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6. Substantial violations of any provisions of federal, state, or local statutes, regulations, policies or procedures.

Training programs removed from the ETP list due to failure in performance shall remain off the locally approved list for a period of not less than one year, at which time it may reapply for continued eligibility.

Training Provider Appeal Process

Training providers can choose to appeal the rejection of their program for inclusion on the ETP list by submitting in writing the justification for their appeal to the local WDB. The appeal must be submitted within 14 days after notification of the local decision. A copy of the appeal will be sent to the Missouri Division of Workforce Development’s Performance and Research unit for review.

Annual Review of Local ETPS Policy

Per OWD Issuance 07-2017 this policy will be reviewed no less than annually, with any revised policies sent to OWD for review by May 15 of each year. This will ensure the most recent policy is applied consistently each Program Year (July through June). *Please refer to Missouri Office of Workforce Development*

OWD Issuance 11-2018

Issued: June 25, 2019