Purpose
To establish Workforce Connections' guidelines for determining providers of training services eligibility to receive Workforce Innovation and Opportunity Act (WIOA) Title I Funds.

Background
Section 122 of WIOA, Public Law (P.L.) 113-128, and its associated regulations codified at 20 CFR Part 680, requires the establishment and dissemination of a single list of eligible training providers identified by the Local Workforce Development Board (LWDB). Also, WIOA requires the establishment of criteria, information requirements and procedures for determining the eligibility of providers of training services to receive funds under Title I of WIOA. Established requirements ensure the accountability, quality and labor-market relevance of approved programs of training services under WIOA.

The workforce development system established under WIOA promotes program coordination and alignment of key employment, education and training services at the State, local and regional levels. Further, WIOA emphasizes on informed customer choice, job-driven training, provider performance and system-wide continuous improvement. The quality of the selection of programs and providers of training services is vital to achieving these core principles. The Eligible Training Providers List (ETPL) process is part of the strategy for achieving these goals.

Consistent with 20 CFR Part 680.400, in order to maximize customer choice and guarantee that all significant population groups are properly served, the LWDB shall administer the ETPL process effectively by promoting and ensuring that a significant number of competent training providers, offering a wide variety of training programs and occupational choices, are available to customers of the One-Stop Delivery System (OSDS).

Inclusion of a training provider's offerings or programs on the ETPL is neither an entitlement to, nor an assurance of, receipt of WIOA Title I funds. It is merely the vehicle through which eligible Title I program participants access the training providers’ programs or offerings that have met the established criteria by the State and the LWDB.

Policy
Consistent with Sec. 122 of WIOA and its associated regulations, Workforce Connections shall identify providers of training services and their offerings within the Local Workforce Development Area (LWDA). In identifying providers of training services Workforce Connections must comply with the established State requirements for this purpose. The ETPL will be made widely available to customers engaged in employment and training activities through the OSDS. This strategy includes, but is not limited to, one-stop career centers, affiliate sites and the network of providers of workforce development activities and services in the LWDA. Program participants eligible to receive training services may, through guided customer choice, select a training provider that is included on the ETPL.
References
P.L. 113-128 WIOA, Secs. 116, 122, 134, 184, 188, 503; 2 CFR Parts 200.403, 200.404 and
20 CFR Part 683; TEGL 3-18; TEGL 15-10; TEGL 14-18; TEGL 8-19; State Compliance Policies
(SCPs) 1.3, 1.9, 1.12, 1.13, 3.12; WC Policy GEN-050-08

Note - For additional factors affecting eligibility requirements, subsequent eligibility and appeal
process, please access SCPs 1.12 and 1.13 at
https://detr.nv.gov/Page/WIOA_State_Compliance_Policies

I. Identification of Eligible Providers of Training Services
Consistent with Sec. 122 of WIOA, eligible providers of training services are those entities
eligible to receive WIOA Title I funds to provide training services to eligible program
participants under the adult, dislocated worker and youth programs. Pursuant to SCP 1.12,
only providers that the State determines to be eligible, as required in Sec. 122 of WIOA, may
receive training funds under Title I of WIOA.

The LWDB, in partnership with the State, identifies providers of training services whose
performance, among other eligibility criteria, qualifies them to receive WIOA Title I funds.
The ETPL and related eligibility procedures ensure the accountability and quality of
programs of training services that receive funds under Title I of WIOA. The ETPL is also a
tool for ensuring informed customer choice through the gathering and displaying of useful
information with respect to training providers, their services, and the quality of their
programs.

A. Initial Eligibility
The initial eligibility of providers of training programs is determined based on meeting
State and Workforce Connections established criteria. Workforce Connections is
responsible for reviewing, assessing and verifying applications submitted by providers of
training services, and determining if in fact the applicants meet the State and Workforce
Connections criteria for initial eligibility.

1. Consistent with established requirements, in order to provide training services to
eligible program participants under the adult, dislocated worker and youth
programs, a provider of training services must be approved to be included on the
ETPL and fulfill the following criteria:
   ▪ Must provide a program of training services; and
   ▪ Must be one of the following types of entities:
     a) Institutions of higher education that provide a program which leads to a
        recognized postsecondary credential;
     b) Entities that carry out programs registered under the National
        Apprenticeship Act (29 U.S.C. 50 et seq.); or
     c) Other public or private providers of training services, which may include:
        1) Community-based organizations;
        2) Joint labor-management organizations; and
        3) Eligible providers of adult education and literacy activities under Title II
           of WIOA if such activities are provided in combination with occupational
           skills training in the pursuit of State industry-recognized credentials
           consistent with TEGL 15-10.
2. **Registered Apprenticeship (RA) Programs** - Entities carrying out programs registered under the National Apprenticeship Act, of August 16, 1937 or under a recognized State apprenticeship agency, are granted initial eligibility upon receipt of a properly completed RA registration form through EmployNV. RA programs will remain on the list as long as the program is registered or until the RA program notifies Workforce Connections that it no longer wishes to be included on the ETPL.

3. **Nondiscrimination Provisions Under Title I of WIOA** - Eligible providers of training services are subject to the equal opportunity and nondiscrimination requirements contained in Sec. 188 of WIOA and its associated regulations codified at 29 CFR Part 38, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), 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 I financially assisted program or activity.

B. Consistent with established requirements, approved providers of training services must provide a program of training services through one or more courses or classes, or a structured regime, that upon successful completion leads to, the following:

1. An industry-recognized certificate or certification, a certificate of completion of a RA program, a license recognized by the State involved or the Federal government, and associate or baccalaureate degree; or a credential as identified through State's vetted list of industry-recognized credentials published by OWINN;
2. Consistent with 20 CFR Part 680.350, a secondary school diploma or its equivalent;
3. Employment;
4. Measurable skills gain toward a credential described in items (1) or (2) of this section.

C. Consistent with SCP 1.12, a private provider of training services providing services other than basic/life skills training must, as appropriate:

- Be licensed by the Nevada State Commission on Postsecondary Education as required in Nevada Revised Statutes 394.099 and 394.415 and carry a Nevada State and local business license as required and be accredited by appropriate body associated with training, or
- Be licensed to provide training by an alternative licensing agency accepted by the Nevada State Commission on Postsecondary Education (currently only CDL training, cosmetology, barbering and pilot training), 20 CFR §680.450 (d), WIOA Sec. 122(b)(1)(E) and carry a Nevada State and local business license as required.

D. The ETPL is administered by the Department of Employment, Training and Rehabilitation (DETR) at the State level. Approval for inclusion on the ETPL is processed by DETR in collaboration with Workforce Connections. SCP 1.12 describes the process for adding new providers to the ETPL. Providers of training services will be eligible to received WIOA Title I funds once approval is granted from DETR and their programs or offerings have been included on the ETPL.
E. Consistent with established requirements under WIOA, Sec. 122(g), and its associated regulations codified at 20 CFR Part 680.520, a program participant may choose a provider of training services that is located outside the LWDA. Under WIOA, States may enter into reciprocity agreements with other States under which providers of training services may accept ITAs provided by another State. Support documentation is required to validate that the training program is currently linked to in-demand industry sectors or occupations in such areas and that the provider of training services is included on the approved training provided list of such State.

F. For entities other than those described on Sec. I(A)(b) of this policy, they must comply with the criteria, information requirements and procedures described in SCP 1.12 and this policy in order to be considered for initial eligibility determination and inclusion on the ETPL.

II. Application to list a training program on the ETPL

In order to be considered for inclusion on the ETPL, a provider of training services must complete an application, which can be found at the Workforce Connections website. In the event assistance becomes necessary while completing such application, applicants are encouraged to contact Workforce Connections for additional assistance.

A. Eligibility for a new provider of training services application, adding a new program of training services, annual subsequent eligibility application, and Registered Apprenticeship registration form can be accessed under the ETPL link at https://nvworkforceconnections.org.

B. Received applications will be processed by Workforce Connections to ensure that all elements of the eligibility requirements have been met in compliance with the State and local established provisions and to assess the accuracy of the information provided within and during the application process.

C. The review process will take six business days, approximately, upon receipt of the initial application. Once the initial review process is completed at the local level, the State will review and approve submitted applications based on State and local established requirements. Once approval is granted by the State a communication will be sent to the applicant.

D. Established Criteria and Factors for Initial Eligibility

1. In making the initial eligibility determination, the LWDB shall take into consideration the following factors:
   a) The description of each program of training services to be offered including internships, lab fees, and materials to include costs associated for each item and as indicated on the ETPL application;
   b) A description of whether the training provider is in a partnership with a business including quality and quantity of employer partnerships and as indicated on the ETPL application;
   c) Other factors that indicate the quality of the training services leading to a recognized postsecondary credential;
   d) Information addressing the alignment of the training services with in-demand industry sectors and occupations, to the extent practicable;
   e) State licensure requirements; and
f) The ability of the training provider to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.

2. Workforce Connections has established additional criteria for the initial application review process. Such criteria may be revised or updated upon changes on local or regional needs. For approved training providers, the approved training programs shall, at a minimum:
   a) Support employment in Nevada’s targeted industry sectors; or
   b) Lead to an industry-recognized credential/skill set; or
   c) Align with local labor market information; or
   d) Align with intelligence gathered from Governor’s industry sector councils; or
   e) Be in accordance with training provider eligibility criteria within this policy; or
   f) Result in measurable skills obtainment that makes the participant more employable (this will be supported by performance data supplied by the training provider on the ETPL application: percentage of trainees who obtain employment after training completion).

3. In the event initial eligibility for the ETPL is declined during the initial process, a system generated notification communicating the denial will be issued. Included in the written notification will be the reason(s), and information related to the appeal process.

III. Subsequent Eligibility for Provider of Training Services

Providers of training services will remain eligible, on the ETPL, only for one year. A subsequent eligibility process has been established for existing providers of training services with the exception of RA programs.

A. The State has established that for the determination of subsequent eligibility, the LWDB must take into consideration the following factors:
   1. The quality of the program of training service as outlined in established policy;
   2. The information conveyed through customer satisfaction survey, complaints from participants, Service Providers, licensing and accrediting entities;
   3. The rate of achieved industry-recognized credentials earned by program participants;
   4. Rate of employment outcomes; and
   5. On-site monitoring report(s).

B. Established Criteria
   1. Workforce Connections has established that, in order to remain on the ETPL, providers of training services must adhere to the following:
      a) Performance indicators: Consistent with Sec 122 of WIOA, the provider of training services shall provide timely and verifiable program-specific performance information that must be considered by Workforce Connections in determining the subsequent eligibility of providers of training services and their programs to remain on the ETPL;
      b) Performance accountability data as established by the State;
      c) Access to training services throughout the State including rural areas and through the use of technology;
      d) Information reported to State agencies on Federal and State training programs other than programs within WIOA Title I;
e) The degree to which training programs relate to in-demand industry sectors and occupations in the State;

f) State licensure requirements of training providers, and licensing status of providers of training services, whenever applicable;

g) The provider’s ability to offer industry-recognized certificates and/or credentials;

h) The ability of providers to offer programs that lead to post-secondary credentials;

i) The quality of the program of training services including a program that leads to a recognized post-secondary credentials; and

j) The ability of the training providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.

2. Additional criteria for the subsequent eligibility review process gathered through either the subsequent eligibility application or by other means may include, but is not limited to, the following factors:

a) Completion rates for all individuals participating in the training program conducted by the provider of training services;

b) Total number of trainees that completed the listed training program and obtained a credential/ certificate, or other measurable skills;

c) Total number of trainees that completed the training program and obtained unsubsidized employment; and

d) Total number of trainees who obtained unsubsidized employment related to the completed training program.

3. Consistent with State requirements Workforce Connections will also take into consideration the following:

a) The specific economic, geographic and demographic factors in the local areas in which providers seeking eligibility are located; and

b) The characteristics of the populations served by programs seeking eligibility, including the demonstrated difficulties in serving these populations, where applicable.

C. Data Submission Requirements

For a provider of training services to be determined to be subsequently eligible under Sec. 122 of WIOA, and receive funds as described in Sec. 133 (b) of WIOA, such provider of training services shall submit to Workforce Connections verifiable program-specific performance information, as it relate to Title I program participants, including but not limited to, the following:

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program of study;

2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program of study;

3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program; and

4. 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 one year after exit from the program. For those participants who obtained a secondary school diploma or its recognized equivalent, the participant must also have obtained or retained employment or be in an education or training program of study.
D. Local Expectations
Workforce Connections expects 100% completion rate and 100% attainment of a credential/certificate by WIOA Title I program participants, by program. Workforce Connections has established the following additional criteria for determining eligibility to remain on the ETPL.
1. Comply with subsequent eligibility requirements,
2. Verifiable demand occupations in the field of training program; and
3. Compliance with Federal, State and local regulations, e.g., Equal Opportunity provisions (EO), Americans with Disabilities Act (ADA), and health and safety standards.

IV. Additional Provisions
A. Approved providers of training services must comply with State and local established requirements to retain status as eligible providers of training services. In the event it is determined, after proper assessment, that the provider of training services is noncompliant eligibility will be rebuked.
B. Workforce Connections will conduct on-site reviews for the purpose of improving the management, effectiveness and improvement of workforce development activities carried out under Title I of WIOA within the Southern Nevada Workforce Development Area (SNWDA).
C. An approved training program may be removed from the ETPL, at any given time, if it is determined that they are not in compliance with established requirements. If, all of the provider’s programs are determined to have failed to meet established performance levels or established requirements, the provider of training services will be removed from the ETPL.
D. During the subsequent eligibility determination process, Workforce Connections will assess whether a provider of training services will maintain its eligibility to remain on the ETPL. Established State and local requirements will be considered to make such determination. The provider of training services will be notified in writing of such determination consistent with item II(D)(3) of this policy.

V. General Provisions for Termination of a Provider of Training Services
A. Noncompliance
If Workforce Connections, working together with the State, determines that an eligible provider of training services violates any requirement under Title I of WIOA, Workforce Connections working with the State may terminate the eligibility of such provider to receive funds or take such other actions as it is determined to be appropriate. (WIOA Sec. 122 (f)(1)(A)).

B. Enforcement
1. Intentionally Providing Inaccurate Information
Upon a determination by Workforce Connections that a provider of training services, or individual providing information on behalf of the provider of training services, violated Sec. 122 of WIOA by intentionally supplying inaccurate information under Sec. 122 of WIOA, the eligibility of such provider to receive funds shall be terminated for a period of time that is not less than two years.
2. Substantial Violations
Upon a determination by Workforce Connections that a provider of training services substantially violated any requirement under WIOA, the eligibility of such provider to receive funds for the program involved shall be terminated for a period of not less than two (2) years.

3. Repayment
A provider of training services whose eligibility is terminated due to noncompliance with established requirements shall be liable for the repayment of WIOA Title I funds received during the period of noncompliance. Per SCP 1.13 no repayment funds should be collected from the provider of training services until the opportunity to appeal is over, or 90 days from the date in the initial termination notice.

C. Additional Criteria
Workforce Connections has established the following criteria for determining the termination of a provider of training services which may include, but is not limited to:
1. Information gathered from reports of fraud, abuse, or any other criminal activity;
2. The information gathered from monitoring reports completed after on-site reviews;
3. Performance accountability information; and
4. Information conveyed through participant initiation or customer satisfaction surveys.

D. Workforce Connections shall submit a recommendation for termination to the State once it is determined that a provider of training services is out of compliance. The State shall determine what disciplinary action is most appropriate including, but not limited to, removal from the ETPL.

VI. Appeals
A provider of training services wishing to appeal a decision made by Workforce Connections must submit a written appeal within 30 business days upon receipt of Workforce Connections' notification.
A. The established procedure applies to appeals submitted by providers of training services for the following factors:
- Workforce Connections declines initial application for listing on the ETPL; or
- Any eligible provider of training services found to be in violation of any requirement under WIOA, State regulations and Workforce Connections policies/procedures, for which disciplinary action has been determined to be appropriate and imposed.

B. Providers of training services who are unwilling to comply with established requirements including reporting requirements will be informed by Workforce Connections, in writing, that their programs of training services will be removed from the ETPL. Removals for these reasons are not subject to an appeal.

C. When a program of training services is removed from the ETPL, program participants currently enrolled in the program supported by an approved ITA may complete their training as described in the Individual Employment Plan (IEP) or Individual Service Strategy (ISS).
D. Procedure
The written appeal, at a minimum, must:
1. State with accuracy the name, address, and contact information of the entity filing the appeal,
2. Be directed to Workforce Connections’ Executive Director or designee,
3. Include detailed reason(s) or factor(s) the provider of training services deems necessary to be considered by Workforce Connections,
4. Include any support documentation needed to validate the basis of the appeal, and
5. Include the form of relief requested.
Note - Additional requirements for the appeal process can be found at SCPs 1.12 and 1.13
https://detr.nv.gov/Page/WIOA_State_Compliance_Policies

VII. Reactivation
Consistent with State established requirements
A. The LWDB in collaboration with the State may reactivate a provider/program previously blocked from new participants from the ETPL, if the training provider makes a written request to the LWDB to reactivate the program and demonstrates compliance with all eligibility, reporting and operating requirements. Note that the reactivation of a provider/program is solely at the discretion of LWDB. Reference Corrective Action Plan (CAP) requirements.

B. Only the State can approve the reactivation of a provider/program as presented by the LWDB, if it has previously been blocked of all student/participants and once it has been proven to be in compliance of all regulations, issued a corrective action plan sufficient to the State/LWDB, and completed the required 2-year suspension time frame and repayment of funds for period of noncompliance as applicable.

VIII. Compensation
A. The provider of training services shall be paid for the cost of training on the basis of the fees for tuition, books, supplies, and other costs as proposed in vendor’s application for the ETPL, which in no case shall exceed the established cap amount of $15,000 unless a written approval by Workforce Connections’ Executive Director or designee is provided.

B. The provider of training services shall not invoice a program participant nor shall request payment/reimbursement for amounts that exceed the established cap amount of $15,000.

IX. Training Program Refunds
A. Providers of training services will be required to provide their refunds policy during the initial eligibility process. Refunds for training program costs shall be calculated as stipulated on the provider of training services policy and Workforce Connections payment schedule.

B. Providers of WIOA Title I services will ensure that the refund policy from providers of training services is taken into consideration at the time of approving an ITA.

C. Provider of training services must notify Workforce Connections with respect to any financial aid received by program participant after WIOA funds are disbursed.
D. The provider of training services must reimburse Workforce Connections the amount of
the WIOA funds used to pay for the training costs covered by any other funds (e.g., Pell
Grants) in the event such funds are approved after WIOA-funded training has begun.
Reimbursement for education related expenses is not required.

E. When reimbursing training funds that come from multiple funding streams including
WIOA Title I funds, WIOA funds require reimbursement at the actual rate paid, prorated
in relation to the actual training duration, less the proportionate rate of the provider's
cancellation fee. In other words, refund needs to be done in an equitable and
proportional way across the multiple funding streams.

X. ETPL Dissemination
The list and the accompanying information shall be made available to such participants and
to members of the public through the OSDS in the State, in a manner that does not reveal
personally identifiable information (PII) about an individual participant.

XI. Personally, Identifiable Information (PII)
In carrying out the requirements of Sec. 122 of WIOA, State and Workforce Connections
policies, no personally identifiable information regarding a program participant, including a
Social Security number, student identification number, or other identifier, may be disclosed
without the prior written consent of the program participant in compliance with section 444
of the General Education Provisions Act (20 U.S.C. 1232(g)).

XII. Record Retention
Record retention requirements applicable to states, and local governments are codified at
Title 2 of the Code of Federal Regulations Part 200. These requirements apply equally to
grantees and sub-grantees and include financial and program records, supporting
documents, statistical records, and all other records that are either required to be held by
regulation or grant agreement or could reasonably be considered as pertinent to regulations
or the grant agreement.
Consistent with established requirements program participant records and supporting
documentation must be retained for a period of at least five years subsequent to the training
program completion date.

XIII. Incident Reporting
In carrying out training activities authorized under this policy, Workforce Connections
encourages its subrecipients to use their best efforts to stop any activity or transaction with a
provider of training services when any alleged inappropriate practice or activity occurs.
Workforce Connections must be informed immediately of any issue and will research/
determine if any course of actions is needed by the sub-recipient or the provider of training
services. Workforce Connections will provide technical assistance and guidance on this
matter as it becomes necessary.