

**Technical Assistance Guidance (TAG)
Eligible Training Providers (ETP)**

TAG 04-2021

Issued Date: **Thursday, February 18, 2020**

Subject:
Policy Revisions and Updates
GEN-050-06 Eligible Training Providers (ETP)

Purpose

This issuance provides additional guidance regarding revisions/updates caused to the above-cited policy. Also, provides guidance on additional established requirements, provisions and processes that govern the overall framework and applicability to services and activities funded in whole or in part under the Workforce Innovation and Opportunity Act (WIOA). In addition, to announce the publication and effective date for implementation of such policy.

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.

Authority

29 U.S.C 3152; Public Law (P.L) 113-128 WIOA, Secs. 116, 122, 134, 184, 188, 503; 2 CFR Parts 200.403, 200.404 and 200.405; 20 CFR §677.230, 20 CFR §680.400 - §680.490; 20 CFR §680.500 - §680.530; 20 CFR Part 683; TEGL 3-18; TEGL 14-18; TEGL 8-19; State Compliance Policies (SCPs) 1.3, 1.9, 1.12, 1.13, 3.12, 4.1 – 4.7; WC Policies GEN-050-03 and GEN-050-08

Guidance

With the commitment to improve processes, and after further research and assessment of previous requirements, Workforce Connections has revised the above-mentioned policy to reflect the following revisions:

Sec. I - Financial Stability and Capacity - Pg. 4

G. Financial Stability and Capacity - Workforce Connections reserves the right to request financial documentation at any time which may include, but is not limited to, profit and loss statements, balance sheet, and statement of cash flows. Workforce Connections may also request a declaration of the percentage of total organizational income from WIOA funding to provide evidence of overall financial stability and capacity. Eligible training providers must have sustainable business practices without the need for WIOA funding.

H. Training assistance, through ITA funding, is one strategy that can be used to assist job seekers. The need for an ITA will be evaluated by WIOA Title I service providers. Actual funding for training assistance may be limited based upon:

1. Eligibility,
2. Assessment,
3. Customer choice,
4. Labor market demand, and
5. Funding availability.

Sec. III Subsequent Eligibility for Provider of Training Services- Pg. 8

E. Performance Requirements

1. Each training provider is held accountable to the state-mandated performance requirements. Performance is reviewed each program year (July 1 – June 30) on a per program basis. Workforce Connections will publish a quarterly report for use in tracking performance. Minimum performance goals for program year are as follows:

Metrics	Minimum Performance	Frequency	Calculation Approach
Program Enrollment	Minimum of one (1) new enrollment per program year	Reported quarterly	Count of participant's enrolled in an ITA program as recorded in Workforce Connections' MIS between July 1 and June 30
Successful Completion	80% of WIOA participants who completed training within the program year	Reported quarterly, must meet 80% target by the end of the program year	Number of participants who have successful completion status for their ITA divided by the number of participants who completed training during the year, as recorded in Workforce Connections' MIS
Credential Attainment	75% of WIOA students who exited their WIOA program or received a credential within the program year	Reported quarterly; must meet 75% target by end of program year	The numerator is the number of participants who received a qualifying credential between the start of their ITA and their exit from WIOA, as recorded in WC's MIS. The denominator is all participants who exited WIOA during the year and completed training successfully as recorded in WC's MIS. The credential attainment rate is numerator divided by this denominator.
Entered Employment (Training-Related)	50% of WIOA students who exited their WIOA program and entered employment within the program year into training-related employment	Reported quarterly; must meet 50% target by the end of the program year	Number of participants who have training-related employment recorded at exit from WIOA during the year divided by number of participants who exited WIOA during the year and entered employment, as recorded in WC's MIS. The participant's employment must be training-related in order to be counted in the numerator for this measure.

Median Earnings	Tracking measure only	Tracking measure only	Measured as total individual income during quarter among participants who completed the training program, exited WIOA and are employed.
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2. All participant data entry (e.g., enrollment, credential attainment, measurable skill gains) will be performed by WIOA Title I service providers procured by WC.
3. WC reserves the right to remove any Training Provider, including all programs with that Training Provider, when the provider, evaluated in aggregate over all ITA participants served by that provider, consistently underperforms. New programs will have a maximum of 24 months to demonstrate compliance with required metrics. New programs will be evaluated at 24 months to demonstrate program enrollment, successful completion, and credential attainment for continued eligibility. To determine subsequent eligibility after the initial 24-month period, the training provider must reapply every year and will be evaluated for employment metrics. A new program is defined as a course that has not previously been offered to the public through the training provider as part of the ETPL.

F. Performance Scorecard

Workforce Connections will publish the ETPL performance scorecard on a quarterly basis to notify training providers and service provider staff of current status of the ETPL performance metrics. Scorecards will be available on the Workforce Connections' website.

Sec. IV Additional Provisions- Pg. 10

E. Third Party Agreements

1. Approved Training Provider may enter into agreements with training organizations to deliver content on their behalf. In doing so, the approved Training Provider accepts all liability and certifies that the program, as submitted in EmployNV, meets the approved Training Provider's requirements for content and instructors as well as other Workforce Connections policies. The approved Training Provider is the sole contact for Workforce Connections.
2. Approved Training Providers must notify Workforce Connections of any program that will be delivered by training organizations or other third parties. Workforce Connections reserves the right to audit or review any course or instructor qualifications at any time.

F. Participant Progress Reports and Attendance Records

The training provider shall assist service provider staff with providing progress and attendance reports on a monthly basis. The service provider may request more frequent progress and attendance reports to monitor the participant's status in the training program.

G. Customer Satisfaction Surveys

Surveys will be sent to each participant during the course of the training program and upon completion. Data from completed surveys will be reviewed for trends by program as well training providers.

H. One-Stop Career Centers (OSCC)

OSCC program managers, or other designated staff, will complete a survey on each training provider they have worked with during the year. This will focus on information such as accuracy of information, responsiveness, refunds, processes, etc.

I. Market Review

Workforce Connections will review tuition and fees for each course and similar courses in the area to determine that fees are competitive and match ITA payments.

Sec. V General Provisions for the Delisting of a Provider of Training Services- Pg. 11

D. 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 such as complaints, grievances or customer satisfaction surveys.
5. The training provider did not maintain the minimum performance criteria for subsequent eligibility.
6. The training provider has been debarred from doing business with the Federal Government.
7. The training provider failed to meet reporting requirements.
8. At least one (1) WIOA Title I participant has not enrolled in the training program for the previous program year (July 1 through June 30).
9. The training provider is no longer accredited and/or licensed.
10. The training provider has experienced fraud, malfeasance, or other illegal activity involving WIOA Title I funds or participants.
11. The training provider has not complied with Equal Opportunity guidelines as outlined in WC Policy GEN-050-01 – Equal Opportunity Standards and Grievance Process.
12. Customer satisfaction surveys demonstrate a history of challenges with the program or provider.
13. The training provider refuses to participate in any investigation conducted by WC.
14. The training provider has history of failure to provide refunds as required under the policy.
15. Local Workforce Development Area needs, funding, or for convenience.
16. The training program is available for free or lower cost from another source in the Local Workforce Development Area.

F. Notice of Non-compliance

Within five (5) business days after Workforce Connections determines that a training institution is in violation of any of the provisions indicated in this policy, a notice of noncompliance or violation will be issued by Workforce Connections requesting the development of a Corrective Action Plan (CAP).

Such notice shall indicate the violation or finding of noncompliance and the deadline for the submission of the CAP. Also, the notice will include the availability of technical assistance and access to guidance from Workforce Connections.

G. Corrective Action Plan

The training institution shall work together with Workforce Connections in the development of the CAP in order to resolve any violation or finding of noncompliance found or cited by Workforce Connections. Guidance will be provided as necessary or requested by the provider of training services. Workforce Connections will, after comprehensive assessment of the violation or finding of noncompliance, determine what actions shall be taken for the prompt resolution of such violation or finding. Actions taken, by Workforce Connections, during the CAP development and implementation may include, but are not limited to the following:

1. Temporary stop enrollment of WIOA Title I eligible program participants, or
2. Temporary removal of program or class from the ETPL, or
3. Suspension of program or class from the ETPL.
4. If after opportunity to correct found deficiencies, it is determined that the training institution remains unable to correct such deficiencies, Workforce Connections, working with the State, will terminate the eligibility of the training institution.

Sec. VIII Compensation- Pg. 13

F. Refunds

Training Providers are required to refund Workforce Connections all or a portion of the cost of the training if a participant does not complete the program. If a provider has a tiered (i.e., allows for full and/or partial refunds depending on the portion of the program completed) drop and refund policy which has been approved by the accrediting body and is publicly available to all prospective students, that policy may be used; however, a copy of this policy must be provided to Workforce Connections for review and approval.

1. If the Training Provider does not have a drop and refund policy in place and/or the drop and refund policy is not tiered (i.e., does not allow for full and/or partial refunds depending on the portion of program completed) the provider must adopt and publish the below refund policy:

Status	Refund Level
Registered but did not start the program	No payment will be made to the training provider
Attended 7 days or fewer of program (prior to drop date)	Full refund – due to Workforce Connections within 30 days of the course start date
Attended less than 60% of the program	Partial refund – due to Workforce Connections prior to course completion
Attended 61% - 100% of program	No refund required

2. Failure to appropriately refund WC, or significant delays in issuing refunds, may result in removal from the ETPL. Any refund due to WC must be received within thirty (30) days of the discontinuation. When issuing a refund, the Training Provider must notify WC staff at traininginvoices@snvwc.org. The training provider will not attempt to collect payment from WIOA Title I participant for any amount associated with a refund to WC.

3. If an accredited, approved Training Provider chooses to work with a third party to delivery any services using WIOA funds, that third party is also subject to the above drop and refund guidance. All refunds will be coordinated through the approved Training Provider only. WC will not work directly with any third party. The Training Provider is responsible for any and all resolution required with its third parties.

Action:

Please share this guidance with staff and interested parties as necessary or appropriate.

Please note that this TAG only includes the sections that were revised/updated. You may contact us in the event further guidance or technical assistance becomes necessary.

You may submit your question to ETPL-Local Workforce Development Board etpl-lwdb@snvwc.org or contact Celia Rouse at crouse@nvworkforceconnections.org.

As always, your services and collaboration are appreciated.

Action

Please share this guidance with staff and interested parties as necessary or appropriate.

With the commitment to improve processes and after further research and assessment of established requirements, Workforce Connections implemented the above-referenced guidance.

Technical Assistance

Is available upon request.

For further information with respect to this guidance you may contact Celia Rouse at crouse@nvworkforceconnections.org