



**North Carolina Department of Commerce
Division of Workforce Solutions**

DWS Policy Statement Number: PS 06-2019

Date: June 17, 2019

Subject: Eligible Training Provider Guidelines

From:

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Assistant Secretary for Workforce**

Purpose: To provide eligibility criteria for training providers and procedures for implementing Eligible Training Provider (ETP) requirements in the Workforce Innovation and Opportunity Act (WIOA) of 2014. These guidelines are applicable to providers of occupational skills training services for adults, dislocated workers, and other populations as defined by WIOA Title I-B.

Background: WIOA seeks to promote a training environment that fosters customer choice, performance accountability and continuous improvement in the attainment of skills, credentials, certificates, and diplomas that lead to employment in occupations in demand in the local economy. Such an environment will enhance quality of life for customers. WIOA sets forth the requirements and general processes by which training providers and programs can be included on the state Eligible Training Provider List (ETPL) by validating that all listed providers and their programs meet minimum state standards.

Action: Effective immediately, Workforce Development Boards (WDBs) should utilize the attached guidelines in the review and approval of training providers and their programs of study. In addition, all WDBs should create or update existing policy to ensure compliance with this policy statement.

Effective Date: Immediately

Expiration: Indefinite

Contact: Division Planners

Attachments: A: Eligible Training Provider Guidelines
B: WIOA Certification Form for Out-of State Training Providers

North Carolina

Workforce Innovation and Opportunity Act

Eligible Training Provider (ETP) Guidelines



General Information

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

Policy Statement 21-2015, issued by the NC Department of Commerce, Division of Workforce Solutions (DWS) states: *Local Workforce Development Boards (WDBs) are to conduct a review of current eligible providers on a biennial basis (every two years) in their respective areas to assure that significant numbers of competent providers, offering a wide variety of training programs and occupational choices, are available to customers. Local WDBs must also take into account performance accountability measures as identified in WIOA Section 122(b) (1) (A-J). At their discretion, Local WDBs may impose stricter performance outcome measures on providers. Local WDBs should also ensure that service delivery staff understands the WIOA principles regarding customer choice and assist customers in making informed career decisions.*

Training and Employment Guidance Letter (TEGL) 03-2018 issued by the United States Department of Labor (USDOL) provides guidance on performance reporting on Eligible Training Providers (ETPs). It states: *States must collect and report performance information on all individuals and WIOA Title I Core Program participants (of Adult, Dislocated Worker, and Youth Programs) served by each program on the state list of Eligible Training Providers (ETP List). The requirements for ETP reporting can be found in WIOA section 116(d)(4) and 116(d)(6)(B) and in the WIOA Joint & Department of Labor Only Final Rules at 20 CFR 677.230 and 20 CFR 680.490.* North Carolina is charged with ensuring that data elements related to the initial application, continued eligibility and performance information regarding approved training providers and programs are entered into the supported state system, NCWorks Online (www.NCWorks.gov).

Although, North Carolina has requested and received a waiver from USDOL for Program Year 2018 and Program Year 2019 and will only have to report performance information on individuals that are enrolled in WIOA Title I programs rather than all enrollees, training providers should be prepared to submit all required performance information beginning July 1, 2020 on all enrollees.

Training providers are initially approved to be on the state ETPL and are certified individually by each WDB to be a provider in each respective region. Hence, a training provider may be approved to be on the state ETPL, but a WDB may choose to not certify that provider or some of its training programs for its particular region.

This guidance addresses the process for establishing initial criteria for approving Eligible Training Providers for the state Eligible Training Provider List and the process for providing WDB certification of providers and programs. (Providers eligible for the ETPL under Workforce Investment Act (WIA) previously remained eligible to stay on the list through September 30, 2016. These providers are subject to the continued eligibility procedures under WIOA, in order to continue as an ETP.

Definitions

1. **Eligible Training Provider (ETP)** is a provider of training services who has met the eligibility requirements to receive WIOA Title I-B Adult, Dislocated Worker, and Youth funds to provide training services to eligible individuals.
2. **Eligible Training Provider List (ETPL)** is North Carolina's *statewide* list of approved providers of training services who are eligible to receive WIOA Title I-B funds. **Note:** having a program on this list simply means basic WIOA criteria for eligibility has been met. It **DOES NOT** mean that the program will be certified at the local WDB level and made available to WIOA customers in the local WDB area. This list is displayed and maintained in NCWorks Online.
3. **Board Certified Training Providers (BCTP)** are approved training providers on the ETPL that Workforce Development Boards have certified to provide training services in their respective regions. This list includes the individual training programs that are available to the local WDB customers. **Note:** Each WDB will maintain a list of training providers that have been certified to provide training services for its specific region. Certification in one region does not guarantee certification in another region. This list is displayed and maintained in NCWorks Online.
4. **Program of Training Services** is defined as one or more courses or classes, or a structured regimen that leads to one of the following:
 - A recognized post-secondary credential, secondary school diploma or its equivalent
 - Employment
 - Measurable skill gains toward such a credential or employment
5. **In-demand** refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional, and/or local workforce development plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.
6. **Informed Customer Choice** refers to the knowledge of the choices available to job seekers necessary for them to make sound career decisions. NC Works Career Center staff will provide access to the following: skills assessment tools, career planning resources, updated labor market information identifying industry sectors and occupational clusters that are high-growth, high-demand, projecting skills shortages, and/or vital to the regional economy, and access to the ETPL through the NC Works Online system (www.NCWorks.gov), to ensure that job seekers are able to make an informed customer choice and are prepared with the skills needed to fill hiring opportunities in in-demand sectors and career pathways in high wage occupations. The NCWorks Online system provides relevant information on available training programs, including performance and cost.

Eligible Training Provider List

Training providers must be on the NC ETPL in order to be considered for WIOA Title I-B funds.

A program of training services is defined, under WIOA, as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment. These training services may be delivered in person, online, or in a blended approach.

Eligible Training Provider (ETP)

Eligible training providers (ETPs) include:

- Post-secondary education institutions;
- Registered Apprenticeship programs¹;
- Other public or private providers of training, 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;
- Local Boards that meet the condition set forth in WIOA Sec. 107(g)(1); and
- Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with a Local Workforce Development Board (LWDB).

All eligible training providers are subject to the equal opportunity and nondiscrimination requirements set forth in WIOA Section 188.

Eligible Training Provider List Exemptions

Certain training providers are not subject to the requirements of the ETP provisions, as set forth in WIOA Title I-B Section 122, because they are exempt from ETP requirements. However, it is required that the training provider's basic information be entered in NCWorks Online.

Training services exempt from the ETP eligibility requirements include:

- *On-The-Job Training (OJT)* - Training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge and skills essential to the full and adequate performance of the job and is made available through an OJT program;

¹ Only Registered Apprenticeship programs registered under the National Apprenticeship Act (29 U.S.C. § 50, *et. seq.*) are included as eligible training providers. For additional information, please refer to page 10 of this policy.

- *Customized Training - Training:*
 - That is designed to meet the specific requirements of an employer (including a group of employers);
 - That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and,
 - For which the employer:
 - Pays a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and,
 - In the case of customized training involving an employer located in multiple local areas in the State, a significant portion of the training cost, as determined by the Governor, takes into account the size of the employer and other factors as the Governor determines to be appropriate.
- *Incumbent Worker Training* - Training designed to assist workers in obtaining the skills necessary to retain employment or avert layoff;
- *Transitional Jobs* - Time-limited work experiences which are to be combined with comprehensive employment and supportive services and are to be designed to help individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention of unsubsidized employment;
- *Internships and Work Experience* - Planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector.
- Instances where the Local WDB provides training services through a pay-for-performance contract; or,
- When circumstances described at WIOA Section 134(c)(3)(G)(ii) occur and the Local WDB determines that:

- there are insufficient providers; or,
- there is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment; or
- it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice.

Initial Eligibility for In State Providers

Training provider approval and certification is a two-step process. The first step includes approval to be on the state ETPL. The second step is the designation as a Board Certified Training Provider by the Local WDBs in their respective regions. The Local WDB has the responsibility of assisting training providers with both of these steps. The Local WDB that is located in the region with the training provider initiates approval or denial to the state ETPL and also determines whether or not a training provider and its programs will be certified in the Local Area region.

Training providers seeking initial approval to be on the state ETPL must submit their basic information via NCWorks Online in order for the WDB in that particular region to review. When granted, ETPL designation shall remain in effect on a provisional basis for one year. To remain on the ETPL after the first year, providers must submit required information, including a minimum of one year performance criteria for new training providers that have been operating for less than two years and two years of performance criteria for training provider that have been operating for more than two years.

Once ETP approval is granted, the approval process will be required each year in order for the provider to remain on the ETPL. Although training providers are approved to be included on the state ETPL, they must be certified by each individual WDB in order to provide training services in the individual WDB regions across North Carolina.

The NC Department of Commerce's Division of Workforce Solutions, in partnership with the Local Boards, must identify programs for inclusion on the ETPL to ensure there are sufficient numbers and types of providers serving each Local Workforce Development Area (LWDA) in a manner that maximizes customer choice.

To apply for inclusion on the ETPL, training providers must follow the process outlined in the steps listed below.

Step 1: Initial State ETPL Application

Training providers must first complete their registration in NCWorks Online prior to inclusion as an eligible training provider on the State ETPL. Each question in NCWorks Online must be answered correctly and completely by the Training Provider. NCWorks Online, by internal

messaging or email, will notify the Local WDB in the area where the training provider is located. It will be the Local WDB's responsibility to determine if the Training Provider is a legitimate *State Eligible Training Provider* by requiring the following basic proofs:

- College's or Company's Accreditations (national or state)
- Legitimacy of the College or Company (must include the Provider's NCID# or FEIN#)
- Most recent financial audit or financial statements for the prior 6 months
- Agreement for a drug free workplace
- General Liability Insurance

If any training provider submits a request to a WDB for approval to be added to the state ETPL, and provides the required documents, the WDB must review and make a determination on the state ETPL eligibility status. The WDB shall select one of the following profile statuses for each training provider seeking approval: Active; Inactive; or Pending. If the provider is issued a status of "Active", they will be notified via NCWorks Online that it is now allowed to enter/submit training "programs" for review in the requested WDB region. The WDB must notify the provider of its status, in writing, within 30 calendar days of the receipt of all documents.

Note: Approving public and private training providers who meet the ETP criteria is essential to providing trainees with "customer choice".

Providers and training programs that do not meet the above conditions are ineligible for inclusion on the State ETPL and must be notified of the reason that they do not qualify to be added to the ETPL. Site visits and monitoring of the training provider sites/programs are at the Local WDBs' discretion.

Additionally, the training program should be in a career field that is "in demand" in the Local WDB's region. This insures that the trainee has a more significant chance of gaining employment when training is complete. All Local WDBs are required to have a Local Area or Regional Occupations in Demand (OID) List and are required to update it annually with changes in their Labor Market Demand.

Step 2: Training Program Approval (WDB Certification)

Once providers are activated in NCWorks Online as approved state training providers on the ETPL, each provider must be certified by individual WDBs in order to be considered a Board Certified Training Provider (BCTP) that can receive WIOA funding and provide training services in the region. In addition, each of the training provider's "programs" must be evaluated for approval. In order to do this, the provider must have completed program descriptions in NCWorks Online for each program that it is seeking approval for. *It is up to each Local WDB's discretion to issue any additional application/ questionnaire/screening document(s), to be completed by the training provider, at this point.*

The training provider must provide proof of the following:

- List of partnerships with specific local area employers (*optional*)
- Proof that the training program has been in existence for one year, is preferred.

Types of Acceptable Credentials: The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary School diploma or recognized equivalent
- Associate's degree
- Bachelor's degree
- Graduate degree for purposes of the Vocational Rehabilitation program
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

The Local WDB will review and either *approve* or *deny* the provider's programs for the Local Board based on the Local Board's criteria. Program approvals for BCTPs are completed by the Local WDB switching the program "on" (under the provider certification section in NCWorks Online – click the LWIA button). Approval notifications are sent by the method in which the training provider selected (NCWorks Online internal messaging or email) when initially registering in NCWorks Online.

If all application steps are completed correctly, and the Local WDB approves, the program shall be designated as a BCTP within thirty days of application approval. If the Local WDB has required additional forms to be completed, these forms must be submitted prior to certification as a BCTP.

Training providers have the option to either submit the application documents electronically to the Local WDB or by mail to the following:

Local Workforce Development Board
Local Workforce Development Board Address
City, State Zip
Attn: Eligible Training Provider Review

Continued Eligibility for In State Providers

Effective September 30, 2016, under WIOA, training providers that were already approved under Workforce Investment Act (WIA) guidelines had to recertify in order to remain on the ETPL. Providers were required to complete a new application and follow the Initial Eligibility process. Providers also had to update all costs and any performance information for each program that they were seeking approval. The collection of specific performance information was now required. After continued ETPL approval was granted, programs' certification would remain in effect for two years. To remain on the ETPL after the second year, providers would then have to recertify for continued eligibility and provide all required performance data for WIOA students in each of their approved programs.

All active training providers, currently on the state ETPL (as of the date the ETP Policy is issued by the state), will be notified by their Local WDB regarding performance accountability requirements. These performance accountability requirements will require that all active training providers on the ETPL must provide the performance data on their WIOA participants, in order for their programs to remain on the ETPL. If a provider fails to meet performance requirements on WIOA participants, they may lose eligibility for that program in ALL local areas where the programs have been previously approved. Program recertification will be completed in the training provider's local area. All applicable appeal processes still apply.

North Carolina currently has a waiver from USDOL for Program Year 2018 and Program Year 2019, and will only have to report performance information on those individuals that are enrolled in WIOA Title I programs. However, if this waiver is not renewed or if USDOL does not change performance accountability requirements, in Program Year 2020, which begins July 1, 2020, all approved training providers on the ETPL will be required to provide performance data on **all** training participants, even if they are not enrolled in WIOA Title I programs.

For Program Years 2018 and 2019, performance information reported to USDOL will be extracted from NCWorks Online (ww.ncworks.gov). Training providers will not have to submit any additional information to the WDBs, unless WDBs choose to have additional eligibility criteria or are unsatisfied with performance data reviewed. It is important for training providers to review the program information that has been entered in NCWorks Online to ensure it is accurate and up to date.

Initial Eligibility for Out-of-State Providers

Out-of-State training providers may be considered at a *jobseeker's request*.

Training provider approval and certification is a two-step process. The first step includes approval to be on the state ETPL. The second step is the designation as a BCTP by the Local WDBs in their respective regions. The Local WDB has the responsibility of assisting training providers with both of these steps. The Local WDB that is located in the region with the training provider initiates approval or denial to the state ETPL and also determines whether or not a training provider and its programs will be certified in the Local Area region.

Out-of-State training providers seeking initial ETP designation must submit their basic information to be considered for initial eligibility. When granted, initial ETPL approval shall remain in effect for one year. To remain on the ETPL after the first year, providers must apply for recertification of eligibility.

One of the requirements for inclusion on the state Eligible Training Provider List for Occupational Training for Out-Of-State providers is verification of qualifications from authorized officials of the provider's home state². **Attachment B** must be signed by one of the authorized representatives in the provider's home state who is responsible for coordinating and managing the provider's home state WIOA Eligible Training Provider List. This signed form must be submitted to the WDB in the region in which the training provider is located.

If training is conducted in multiple states, then the certification form must be completed and signed by the appropriate official in each state where training is conducted. The certification form attests that the training provider:

- is approved by the higher education authority in the home state;
- is on the home state's WIOA training provider list;
- publishes verifiable consumer data, available to the general public.

Step 1: Initial State ETPL Application

Training providers must first complete their registration in NCWorks Online prior to inclusion as an eligible training provider on the State ETPL. Each question in NCWorks Online must be answered correctly and completely by the Training Provider. NCWorks Online, by internal messaging or email, will notify the Local WDB in the area where the training provider is located. It will be the Local WDB's responsibility to determine if the Training Provider is a legitimate *State Eligible Provider* by requiring the following basic proofs:

- College's or Company's Accreditations (national or state)
- Legitimacy of the College or Company (must include the Provider's NCID# or FEIN#)
- Most recent financial audit or financial statements for the prior 6 months
- Agreement for a drug free workplace
- General Liability Insurance

² Home State refers to the location of the school where the WIOA training is currently conducted.

If any training provider submits a request to a WDB for approval to be added to the State ETPL, and provides the required documents, the WDB must review and make a determination on the state ETPL eligibility status. The WDB shall select one of the following profile statuses for each training provider seeking approval: Active; Inactive; or Pending. If the provider is issued a status of “Active”, it will be notified via NCWorks Online that it is now allowed to enter/submit training “programs” for review in the requested WDB region. The WDB must notify the provider of its status, in writing, within 30 calendar days of the receipt of all documents.

Note: *Approving public & private training providers, who meet the ETP criteria, is essential to supplying trainees with “customer choice”.*

Providers and training programs that do not meet the above conditions are ineligible for inclusion on the State ETPL and must be notified of the reason that they do not qualify to be added to the ETPL. Site visits and monitoring of the training provider sites/programs are at the Local WDB’s discretion.

Additionally, the training program should be in a career field that is “in demand” in the Local WDB’s region. This insures that the trainee has a more significant chance of gaining employment when training is complete. All Local WDBs are required to have a Local Area or Regional OID List and are required to update it annually with changes in their Labor Market Demand.

Step 2: Training Program Approval (WDB Certification)

Once providers are activated in NCWorks Online as legitimate state training providers on the ETPL, each provider must be certified by a WDB in order to be considered a BCTP that can receive WIOA funding and provide training services in the region. In addition, each one of the training provider’s “programs” must be evaluated for approval. In order to do this, the provider must have completed program descriptions in NCWorks Online for each program that it is seeking approval for. *It is up to each Local WDB’s discretion to issue any additional application/questionnaire/screening document(s), to be completed by the training provider, at this point.*

The training provider must provide proof of the following:

- List of partnerships with specific local area employers
- Proof that the training program has been in existence for one year, is preferred.
- Proof that the program is publicly listed online.
- Leads to an occupational skill resulting in a national and/or industry recognized credential identified by the local area as being in high demand

Types of Acceptable Credentials: The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary School diploma or recognized equivalent
- Associate's degree
- Bachelor's degree
- Graduate degree for purposes of the VR program
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

The Local WDBs will review and either *approve* or *deny* the provider's programs for the Local Area based on the Local Area's criteria. Program approvals for BCTP are completed by the Local WDB switching the program "on" (under the provider certification section in NCWorks Online – click the LWIA button). Approval notifications are sent by the method in which the training provider selected (NCWorks Online internal messaging or email) when initially registering in NCWorks Online.

If all application steps are completed correctly, and the Local WDB approves, the program shall be designated as a BCTP within thirty days of application approval. If the Local WDB has required additional forms to be completed, these forms must be submitted prior to certification as a BCTP.

Prior to initial program certification, the Local Area WDBs will review any existing performance data that the new training providers have, to include: enrollment numbers, completion rates, credential attainment, employment obtainment, and whether or not the trainees obtained employment in their fields of study, also *IF the training provider has previously been on the ETPL and had enrollments in their approved training program(s)*. If the training provider has not previously been on the ETPL, performance records will not be required until 12 months after the training program has been approved.

Training providers have the option to either submit the application documents electronically to the Local WDB or by mail to the following:

Local Workforce Development Board
Local Workforce Development Board Address
City, State Zip
Attn: Eligible Training Provider Review

Continued Eligibility for Out of State Providers

Effective September 30, 2016, under WIOA, training providers that were already approved under Workforce Investment Act (WIA) guidelines had to recertify in order to remain on the ETPL. Providers were required to complete a new application and follow the Initial Eligibility process. Providers also had to update all costs and any performance information for each program that they were seeking approval. The collection of specific performance information was now required. After continued ETPL approval was granted, programs' certification would remain in effect for two years. To remain on the ETPL after the second year, providers would then have to recertify for continued eligibility and provide all required performance data for WIOA students in each of their approved programs.

All active training providers, currently on the ETPL (as of the date the ETP Policy is issued by the state), will be notified by their Local WDB regarding performance accountability requirements. These performance accountability requirements will require that all active training providers on the ETPL must provide the performance data on their WIOA participants, in order for their programs to remain on the ETPL. If a provider fails to meet performance requirements on WIOA participants, they may lose eligibility for that program in ALL local areas where the programs have been previously approved. Program recertification will be completed in the training provider's local area. All applicable appeal processes still apply.

North Carolina currently has a waiver from USDOL, for Program Year 2018 and Program Year 2019, and will only have to report performance information on only those individuals that are enrolled in WIOA Title I programs. However, if this waiver is not renewed or if USDOL does not change performance accountability requirements, in Program Year 2020, which begins July 1, 2020, all approved training providers on the ETPL will be required to provide performance data on **all** training participants, even if they are not enrolled in WIOA Title I programs.

For Program Years 2018 and 2019, performance information reported to USDOL will be extracted from NCWorks Online (www.ncworks.gov). Training providers will not have to submit any additional information to the WDBs, unless WDBs choose to have additional eligibility criteria or are unsatisfied with performance data reviewed. It is important for training providers to review the program information that has already been entered in NCWorks Online to ensure it is accurate and up to date.

Registered Apprenticeship Programs

Registered Apprenticeship (RA) programs are not subject to the same eligibility procedures for ETPL approval as other training providers. Due to the detailed application and significant vetting process with the NC Department of Commerce's Division of Workforce Solutions, the registered apprenticeship provider is not required to provide the "Initial Eligibility Application" documents to prove legitimacy for inclusion on the ETPL. However, documents for "program" approval for the apprenticeship training provider must be submitted to the Local Area WDB where the provider is requesting program approval.

Please consult <http://apprenticeshipnc.com> for more information on the registered apprenticeship process.

The training provider must provide proof of the following:

- List of partnerships with specific local area employers.
- Proof that the training program has been in existence for one year, is preferred.
- Proof that the program is publicly listed online.
- Leads to an occupational skill resulting in a national and/or industry recognized credential OR a journeyman card identified by the local area as being in high demand

Types of Acceptable Credentials: The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary School diploma or recognized equivalent
- Associate's degree
- Bachelor's degree
- Graduate degree for purposes of the VR program
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment

Training Program Recertification

All training providers on the ETPL are responsible for tracking performance on WIOA students once their program(s) are added to the ETPL and must annually report performance measures to their Local WDB. Results of the performance data evaluation must be provided for each program, for access by potential students. Additionally, providers are required to notify the Local WDB if any of their information or status changes from that which is documented in NCWorks Online.

The Local WDB must complete the recertification process for programs on the ETPL as specified below:

Prior to the end of the first year of eligibility: The Local WDB will review the performance data of the training provider. The Local WDB will also review any provider information that has been changed in NCWorks Online.

Note: Recertification may focus on a multi-year program's progress date and student retention rates if no one has graduated from the program at the one-year mark.

Annually, Local WDBs will review each BCTP's performance information that has been entered in NCWorks Online and obtained from wage records, to ensure performance standards are maintained. The Local WDBs will be responsible for notifying training providers in a timely manner when data is due to complete the providers' recertification.

Local WDBs should track performance data for both full-time students and part-time students enrolled in programs and/or courses for the BCTPs. This performance information is currently based only on WIOA students because of the waiver that was granted by USDOL. However, if North Carolina's waiver is not renewed or if USDOL does not change performance accountability requirements, in Program Year 2020, which begins July 1, 2020, all approved training providers on the ETPL will be required to provide performance data on **all** training participants, even if they are not enrolled in WIOA Title I programs.

Performance Data Collection Requirements

Per TEGL 03-18, “States must *provide all of the data related to WIOA participants including WIOA participant levels, demographics, WIOA participant outcomes, and WIOA related costs, as this data can be generated from the data collected for the state’s Annual Performance Report.*”

For Program Years 2018 and 2019, performance information reported to USDOL will be extracted from NCWorks Online (ww.ncworks.gov). Training providers will not have to submit any additional information to the WDBs, unless a request is made by a WDB. It is important for training providers to review the program information that has already been entered in NCWorks Online to ensure it is accurate and up to date. Local WDBs will be responsible for the recertification of each BCTP.

For all WIOA participants receiving training provided by an ETP:

- 1) the levels of performance achieved for all WIOA individuals engaging in the program of study (or the equivalent), specifically:
 - a. the percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program;
 - b. the percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program;
 - c. the median earnings of individuals who are in unsubsidized employment during the second quarter after exit from the program; and
 - d. the percentage of individuals 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.
- 2) the total number of WIOA individuals exiting from the program of study (or the equivalent).

Program Performance Categories

Performance Standards are based on Total enrollment Numbers of ALL WIOA Students:

- Total number of WIOA students who successfully completed their program of study during participation in WIOA or within one year after exit
- Total number of WIOA completer students that found unsubsidized employment
- Total number of WIOA completer students that found unsubsidized employment in the *their field of study*
- Total number of WIOA completer students that were still employed in the 2nd quarter after exit
- Total number of WIOA completer students that were still employed in the 4th quarter after exit
- Median earnings of WIOA completer students in unsubsidized employment in the 2nd quarter after exit

Denial/Removal/Suspension from the ETPL

A training provider and/or its program *may* be denied inclusion as a Board Certified Training Provider or may be removed from the State ETPL for the following reasons (documented proof that these conditions exist must be provided):

State ETPL:

- a. The training provider failed to achieve designated performance measures, when applicable. (This exclusion or removal will remain in effect for one year);
- b. The initial and/or renewal application was not completed, was not completed by established due date, or was missing required information (This exclusion or removal will remain in effect for 90 days) Performance data was not submitted to the Local WDB as established per local guidance. (This exclusion or removal will remain in effect for 90 days);
- c. The training provider intentionally supplied inaccurate information (This exclusion or removal will remain in effect for a minimum of two years and the provider is liable to pay back all training funds paid during the period of noncompliance; further approval will be subject to consideration by the Local WDB);
- d. The training provider substantially violated a requirement under WIOA, state law, local law, or policy (This exclusion or removal will remain in effect for a minimum of two years and the provider is liable to pay back all training funds paid during the period of noncompliance; further approval will be subject to consideration by the Local WDB);
- e. The training provider loses its certification from the Local WDB, or its accreditation from its accrediting body. (This exclusion or removal will remain in effect until such time as the training provider regains its approval or accreditation).

Local WDB Certification:

- a. The initial and/or renewal application was not completed, was not completed by established due date, or was missing required information (This exclusion or removal will remain in effect for 90 days);
- b. Performance data was not submitted to the Local WDB as established per local guidance;
- c. Performance data does not meet Local WDB standards, when applicable. (This exclusion or removal may remain in effect for one year minimum);

- d. The training provider intentionally supplied inaccurate information (This exclusion or removal will remain in effect for a minimum of two years and the provider is liable to pay back all training funds paid during the period of noncompliance; further approval may be subject to consideration by the Local WDB);
- e. The training provider substantially violated a requirement under WIOA, state law, local law, or policy (This exclusion or removal will remain in effect for a minimum of two years and the provider is liable to pay back all training funds paid during the period of noncompliance; further approval may be subject to consideration by the Local WDB); the Initial application process will have to be repeated by the provider.

Appeals Process

If a training provider is not approved by the Local WDB to be a BCTP, or a training provider's approval has been revoked by Local WDB action, then the training provider may appeal to the Director of the Local WDB within 30 calendar days after receipt of the decision. Appeals must state, in writing, the basis of the appeal, including the facts or issues that support the appeal. Additional appeals processes can be implemented by individual local areas. When appealing a performance data decision, the appeal must also include verifiable data that substantiate a higher level of program performance to maintain ETPL designation.

Training providers shall direct appeals electronically to the Local WDB or by mail to the following:

Local Workforce Development Board
Local Workforce Development Board Address
City, State Zip
Attn: Name of Local WDB Director

The Local WDB shall notify all parties of the date, time, and location of the appeal conference.

A program failing to appeal pursuant to the Local WDB process, or failing to appeal within the specified 30-day period, is ineligible for WIOA funding. A program that wins an appeal, based on the submission of additional verifiable data, is eligible as a BCTP. A training program whose appeal is denied will be ineligible for WIOA funding and will no longer be considered as a BCTP. Depending on the reason for denial, a training provider may be subject to a two year waiting period before being allowed to submit a new application.

References

Law

- WIOA (Public Law 113-128) Title I

USDOL Guidance

- TEGL 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act*, dated February 19, 2015;
- TEGL 27-14 - Change 1, *Workforce Innovation and Opportunity Act Transition Authority for Immediate Implementation of Governance Provisions*, dated May 12, 2015;
- TEGL 41-14, *Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition*, dated June 26, 2015;
- TEGL 03-18, *Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA)*

DWS Policy Statement

- PS 21-2015 Consumer Choice in Selecting Training Providers

WIOA Certification Form for Out-of-State Training Providers

One of the requirements for inclusion on the Eligible Training Provider List for Occupational Skills Training for Out-of-State providers is verification of qualifications from authorized officials of the provider's home state. This form must be signed by one of the authorized representatives in the provider's home state who is responsible for coordinating and managing the provider's home state WIOA Eligible Training Provider List. This signed form must be submitted to the Local Area Workforce Development Board in which the training participant resides and from which the provider is seeking approval to be a Board Certified Training Provider (BCTP).

Out-of-State training providers are only considered at a jobseeker's request.

_____ (Name of Training Provider)

Located in the state of _____ and does meet all of the following qualifications.

Please initial or write "yes" in the blank space next to each statement.

- _____ Is approved by the higher education authority in the training provider's home state
- _____ Is on the training provider's home state's WIOA training provider list
- _____ Provides verifiable WIOA performance data to the training provider's home state
- _____ Publishes verifiable consumer data available to the general public, which includes performance data for WIOA students in the program

Please submit verification of the training provider's home state approval and standing on the home state's WIOA ETPL.

(Home State Authorized Official printed Name and Title)

(Home State Authorized Official Signature)

(Date)

(Home State Agency Name and Address)

(Home State Agency Telephone Number)

Training Provider Authorized Signature: _____

Training Provider Signatory Title: _____

Training Provider Address: _____

Training Provider Telephone Number: _____