

## SOUTH CENTRAL OKLAHOMA WORKFORCE BOARD, INC.

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### **SUBJECT: Eligible Training Provider List (ETPL) Policy**

**PURPOSE:** The South-Central Oklahoma Workforce Board (SCOWB), provides this issuance as local guidance to system partners to identify actions that meet requirements for training providers and training program eligibility for the state eligible training provider list, as described in WIOA Section 122 and 20 CFR part 680. WIOA and its regulations established the allowable types of training, including both work-based and classroom instruction, with the goal of ensuring provider performance, job-driven training, informed customer choice, continuous improvement, and cost-effective investment of public funds. This guidance replaces Oklahoma Workforce Development Issuance (OWDI) #15-2017.

### **REFERENCES:**

- Workforce Innovation and Opportunity Act, Pub. L. 113-128
- Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions: Final Rule (WIOA DOL Joint Final Rule) published at 81 FR 55792 (Aug. 19, 2016)
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at 81 FR 56071 (Aug. 19, 2016)
- TEGL No. 03-18
- TEGL 08-19, including Attachments I -V
- TEGL 19-16
- TEGL 10-16 Change 1
- TEN No. 25-19
- OWDI #02-2016, Change2

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## **POLICY:**

WIOA requires states to establish eligibility criteria and procedures for a State Eligible Training Provider List (ETPL). The Oklahoma ETPL and the related eligibility procedures are designed to ensure accountability, quality, and labor market relevance of training programs that may receive funds through WIOA Title I. This issuance outlines the types of training authorized under WIOA, the requirements to become an eligible training provider (ETP), and the requirements for training programs. The policy also sets additional criteria for organizations applying for ETP approval, stresses the importance of required data reporting, and defines State, SCOWB and Training Provider responsibilities.

### **Allowable Training under WIOA Title I**

WIOA Title I Section 134(c)(3)(D) allows the following types of training:

- (a) Occupational skills training, including training for nontraditional employment;
- (b) On-the-Job Training (OJT);
- (c) Incumbent Worker Training (IWT);
- (d) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (e) Training programs operated by the private sector;
- (f) Skill upgrading and retraining;
- (g) Entrepreneurial training;
- (h) Job readiness training provided in combination with the training services described in (a) through (g) above, or with transitional jobs, found at WIOA 134(D)(5) and 20 CRF §680.190;
- (i) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services provided in any of clauses (a) through (g); and
- (j) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

### **Funding Allowable Training**

WIOA authorizes various funding mechanisms for allowable participant training. These mechanisms include a variety of direct contracts for services and individual training accounts (ITAs).

An ITA is a payment agreement with a training provider, established by SCOWB on behalf of a participant. An ITA may be used to pay for any allowable type of training, as long as the program of training service (also referred to as a “program of study” or “training program”) is on the state’s list of eligible training providers (ETPL). An ITA is the most commonly used

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training funding mechanism because it provides participants flexibility in purchasing training. Only ITAs require the use of an ETP from the ETPL.

As long as training services are chosen in a manner that achieves the goals outlined in the purpose section of this OWDI (provider performance, job-driven training, informed customer choice, continuous improvement, and cost-effective investment of public funds), select training services may also be provided using a contract between the provider and SCOWB. For these select training services, participants can receive training from a program that is not on the ETPL. Training services that are exempt from the ETPL eligibility requirements found at WIOA Section 122(a) through (f) include:

- Work-based training, including on-the-job training, customized training, incumbent worker training, and transitional jobs, or
- Training provided under the circumstances described at WIOA Section 134(c)(3)(G)(ii) and 20 CFR 680.320, where the local board determines that:
  - There is an insufficient number of ETPs in the local area to accomplish the purposes of a system of ITAs;
  - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to service individuals with barriers to employment;
  - It would be most appropriate to award a contract to an institution of higher education or other provider of training services to facilitate the training of multiple individuals in one or more in-demand industry sector or occupation, and such contract does not limit customer choice; or
  - When SCOWB provides training services through a pay-for-performance contract.
- should be noted that transitional employment (also known as transitional jobs) is a type of work experience, and therefore a career service rather than a training service. It is listed above in order to clarify that transitional employment services can be provided through a contract and are not subject to the eligibility requirements in Section 122(a) through (f).
- For training programs that are exempt from Section 122(a) through (f) eligibility requirements, SCOWB must ensure adherence to WIOA Section 134 and corresponding regulations at 20 CFR §680.700 through §680.840.

### **Eligible Training Providers and Programs of Study.**

The WIOA statute and the Final Rule distinguish between eligible training providers (ETPs) and programs of study, as one ETP may provide multiple programs of study for a variety of occupations. Determining ETPL eligibility is a two-tier approach. First, the training provider must be an eligible entity to provide training, as listed in the Types of Eligible Training Providers section later in this issuance. Second, the training program(s) offered by an approved training provider must meet eligibility and performance criteria. In order for a training provider to receive WIOA Title I-B training funds for adults, dislocated workers, and out-of-school youth aged 16-241, the programs of study must be listed on the ETPL.

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An ETP is a provider of training services who has met the eligibility requirements to receive WIOA Title I Adult or Dislocated Worker funds through the issuance of an individual training account (ITA) for the purpose of providing training services to eligible individuals. ITAs are also permissible for Out-of-School Youth aged 16 – 24, when appropriate. Each ETP's training programs are subject to the eligibility requirements in WIOA Section 122 and the regulations at 20 CFR part 680 Subpart F.

### **Dissemination of the ETPL and Consumer Information**

The ETPL is searchable at OKJobMatch.com, the state's virtual case management and ETPL system. It is also locally accessible through other databases and partner entity websites for stakeholders (the public, local boards, the American Job Centers (AJCs) and their partner programs, and postsecondary education systems) via online methods such as OklahomaWorks.com. Oklahoma's ETPL, along with every other state's ETPL, will also be maintained by the Employment and Training Administration (ETA) on careeronestop.org and additional access to the public and stakeholders will be published on TrainingProviderResults.gov by the U.S. Department of Labor Employment and Training Administration (DOLETA) in October 2020.

### **Types of Eligible Training Providers**

- Only the entities listed below may apply for inclusion on the ETPL, and they are the only entities eligible to provide training for participants who enroll in WIOA Title I funded programs of training services paid through an individual training account (ITA).
- Institutions of higher education that provide a program or programs that lead to recognized postsecondary credentials;
- Private vocational schools, including but not limited to, private educational institutions eligible to receive federal funds under Title IV of the Higher Education Act of 1965;
- Apprenticeship programs, including Industry Recognized Apprenticeship Programs (IRAPs) and Registered Apprenticeship Programs (RAPs);
- Other public or private providers of training, which may include community-based organizations (CBOs) and 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.

### **Training Provider Licensing Requirements**

Training providers must be authorized or licensed by the appropriate governing board or agency prior to applying for placement on the ETPL. The ETPL application requires all entities (except RAPs<sup>2</sup>) to enter the name(s) of the organization(s) that accredit, license, register, and/or approve the entity as an educational or training provider. All types of training providers must appropriately enter their institution's approval information on the Institution Information page of the virtual ETP application. Supporting documentation pertaining to licenses, registrations, approval, or accreditation may be uploaded to the ETPL application, or copies of the documents may be e-mailed to workforce@okcommerce.gov.

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As state agency partners with representation on the State's Workforce and Economic Development Board, Oklahoma's state-funded colleges, universities, and technology centers are not required to provide documents pertaining to their accreditation. All other training providers must provide documents that include the name of their governing body and the status of their license, registration<sup>3</sup>, accreditation, and other approval to operate in Oklahoma. Additional exceptions include:

- Registered Apprenticeships, which are approved by the U.S. Department of Labor and are not required to provide any additional documentation other than that generally provided by the Oklahoma Office of Apprenticeship.
- Community colleges in bordering states who have entered their accrediting entity information and are included on their home state's ETPL.

### **Other Training Provider Information**

The application to become an eligible training provider also requires information to be entered pertaining to the following:

- Whether the training provider provides access to training to individuals who are employed;
- Whether the provider provides access to training to individuals with barriers to employment, including individuals with disabilities;
- Assurances that offered training programs are built around competencies identified by businesses in the state and local areas;
- Whether the training provider has established relationships with employers or businesses looking to hire;
- The ability to provide access to training services in rural areas or through the use of technology. Programs that deliver the majority of training via distance or online<sup>4</sup> learning must provide their policy/handbook that describes:
  - A mechanism for student interaction with an instructor or instructors,
  - The process for the periodic assessment of each student's progress, and
  - The responsibilities of each party (training provider, instructor(s), and participant) involved in the distance or online training; and
  - The types of financial aid the training provider may accept on behalf of students.

Additionally, training providers must enter their web site address into the Training Provider Details page of the initial application.

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<sup>2</sup>This pertains to RAPs only, not IRAPs.

<sup>3</sup>As previously stated, training providers must be authorized or licensed by an appropriate governing board or agency for inclusion on the ETPL. Inclusion on a registry is generally not sufficient to demonstrate quality training programs and /regulatory compliance.

<sup>4</sup>Distance or online learning is defined as a method where teachers and students do not meet in a classroom, but use video conferencing, the internet, e-mail, etc. for instruction and learning.

## **Eligible Training Programs**

An eligible training program, also referred to as an eligible program of study, is defined as one or more courses or classes, or a structured regimen, that provides job-driven training services and leads to a recognized postsecondary credential. A recognized postsecondary credential is defined in WIOA 3(52) as;

1. A credential consisting of an industry-recognized certificate or certification,
2. A certificate of completion of an apprenticeship,
3. A license recognized by the State or Federal government, or
4. An associate or baccalaureate degree. It should be noted that graduate degree programs (Masters and higher) are not eligible for inclusion on the ETPL.

## **Industry Recognized Credentials**

WIOA emphasizes that training programs must provide for the attainment of industry-based, regionally and/or nationally recognized skill standards and occupational credentials. A credential is awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. Such credentials are based on standards developed or endorsed by employers. In order for a credential to be recognized, the measurable technical or occupational skills that are necessary to gain employment or advance within an occupation is verified by passing required exams, such as the NCLEX exam for in the field of Nursing or attaining the appropriate required license to drive commercial vehicles (CDL).

For employers, credentials demonstrate and document workers' skills, increase their ability to fill skilled positions, and build talent pipelines. For workers and job seekers, credentials improve their labor market experience through higher earnings, greater mobility, and enhanced job security. Good-paying jobs in high demand industries generally require some form of postsecondary education or training and the increase in earnings that accompanies postsecondary credentials is well established.

A variety of public and private entities issue credentials, including institutions of higher education, private vocational schools, apprenticeship programs, CBOs, joint labor-management organizations, and providers of adult education and literacy activities in combination with occupational skills training. However, Certificates of Completion offered for individual courses or classes do not always indicate an individual's attainment of the measurable technical or occupational skills necessary to obtain employment or advance within a career pathway. For example, individuals interested in the medical field may receive Certificates of Completion for Medical Terminology, Anatomy and Physiology, Nursing Concepts, and various other short-term courses related to Nursing or Allied Health degrees. Successful completion of only a portion of a program of study (for example, the completion of a short-term course required to attain the industry recognized credential or degree) is a considered to be a measurable skills gain toward the credential to be earned, rather than an industry credential. A training provider must demonstrate that individuals completing an entire training program have met the training and eligibility requirements to receive the associated industry recognized credential or to apply for

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a state or national license or certification, when applicable. It is important to note that a license is the credential for many occupations, such as Certified Public Accountants, Dental Hygienists, Electrical Contractors, Building and Construction Inspectors, Welders, EMTs and Paramedics, Licensed Practical Nurses, Teachers, etc. Oklahoma's Licensed and Certified Occupations Handbook may be found at <https://www.ok.gov/oesc/documents/lmLicOccs.pdf>.

### **Registered Apprenticeship Program (RAP) Sponsors**

Unlike the Certificates of Completion addressed above, a Certificate of Completion of a registered apprenticeship program is a credential, and documents that an individual completed all the requirements of an industry recognized, DOL approved apprenticeship program.

Registered Apprenticeship Programs are automatically eligible to be included on the ETPL and are exempt from state and local ETP eligibility requirements. Due to the rigorous assessment RAPs have passed as part of the registration process with the U.S. Department of Labor's Office of Apprenticeship (DOLETA/OA), additional information and performance requirements may not be required or requested of RAPs. If openings for new apprenticeships exist in the local area, the RA sponsor's programs will automatically be considered in-demand training, and will be included and maintained on the ETPL as a statewide demand occupation for as long as the openings remain unfilled.

Each RAP sponsor must indicate whether they wish to be included on the ETPL. With the assistance of the State Office of Apprenticeship (OA), each RAP sponsor must be contacted to voice their willingness to be part of the ETPL. RAPs that opt for inclusion on the ETPL may request the State ETPL Administrator to add them to the ETPL with the provision of only the following basic information:

- Occupations included within the RAP;
- The name and address of the RAP sponsor;
- The name and address of the Related Technical Instruction (RTI) provider(s), and the location(s) of instruction if different from the program sponsor's address;
- The method and length of instruction;
- The number of active apprentices; and
- The appropriate NAICS and SOC codes, as currently required by the State's virtual case management/ETPL system.

RAPs will remain on the ETPL until:

- The RAP notifies the OOWD that it no longer wants to be included on the ETPL;
- The program becomes deregistered under the National Apprenticeship Act;
- The program is determined to have intentionally supplied inaccurate information; or
- A determination is made that the RAP substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38.

As stated earlier, RAPs are exempt from the ETP performance reporting requirements in WIOA Sections 116(d)(4) and 122, including any state or local area ETP reporting requirements. ETPs may voluntarily report performance outcomes, however local areas must not establish any RAP

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specific reporting requirements. Unlike RAPs, Industry Recognized Apprenticeship Programs (IRAPs) seeking addition to the ETPL must follow the same process requirements as other training programs that are not RAPs, which are detailed in the sections below. IRAPs are required to be on the ETPL to receive WIOA training funds through an ITA.

The registration status of Registered Apprenticeship programs must be verified on a biennial basis. To accomplish this, continued registration status will be requested biennially from the State Office of Apprenticeship.

Intermediaries serving as RAPs who are employers using an outside instructional provider must identify their instructional provider in accordance with requirements established by their local board or the Oklahoma Office of Apprenticeship (OA).

### **Initial Eligibility for Training Programs**

All ETPs must submit an application for each training program to be considered for inclusion on the ETPL. Training providers are encouraged to apply for program approval at least 60 days in advance of initial program offerings. Required information for initial approval include

- A complete description of the training program to be offered, including:
  - Program cost,
  - Occupation(s) for which the training prepares the individual;
- The number of participants enrolled in the program during the reporting period;
- The number of individuals who exited<sup>5</sup> the program during the performance period;
- Performance information pertaining to the training program's All Student completion<sup>6</sup> rate;
- Performance information pertaining to the training program's All Student credential attainment rate; and
- Information addressing the alignment of the training program with in-demand industry sectors and occupations.

Initial eligibility for new training providers that have no history of providing training programs<sup>7</sup> may be determined eligible for one year only, based on information such as:

- Whether they have attained the appropriate license, registration, accreditation, or approval to operate in Oklahoma;
- Whether have operated under another name(s);, Whether they offer training aligned with in-demand occupations and industry sectors; and
- Information pertaining to operations in other states.

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<sup>5</sup>Exited is defined as the total number of students who completed, withdrew, or transferred from the program of study in the reporting period.

<sup>6</sup>The All Student population is defined as the aggregate number of all individuals (WIOA and non-WIOA) in the program of study/training program.



<sup>7</sup>New training programs offered by brand new training providers will have no performance to report and may be initially approved based on eligibility criteria listed in this issuance.

**Exception:** Providers that are new to Oklahoma but operate the same training program(s) in other states will be required to provide performance data for each training program to be offered in Oklahoma. This data must be combined data from all locations nationwide.

Providers who fail to accurately submit all required initial eligibility information within 60 days from the date of the initial application will be denied.

### **Minimum Performance Standards for Initial Program Approval**

For initial provider approval OOWD has established the following minimum performance standards<sup>8</sup>, as allowed by WIOA Section 122(b)(1):

- 35% completion rate of the All Student population that exited ALL training programs offered by the training provider in the reporting period
- 35% credential attainment rate of the combined training programs offered by the training provider for the All Student population who attained a postsecondary credential or an industry-recognized credential during participation or within one year after exit from program.

WIOA requires All Student performance information to be reported for all approved programs of study on the state ETPL. Therefore, performance information must still be reported for programs of study that are on the ETPL but have not served WIOA participants during the reporting period.

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<sup>8</sup>Performance data will be reviewed an annual basis, and may be adjusted incrementally.

### **Continued Eligibility for Training Programs**

Prior to the end of the first year of ETPL eligibility, the training provider must update all initial eligibility information (as appropriate), including performance provided for the initial eligibility determination. Additionally, the additional performance information listed in the following paragraph must be provided. When necessary, program cost information should be updated prior to each academic or program year. After the first year, performance information must be updated every two years for continued ETPL eligibility.

As required by WIOA, the state takes into account the following WIOA performance criteria for determining an ETP's continued eligibility, based on the ETP's All Student population:

- The number of the provider's program participants who are in unsubsidized employment in the 2nd quarter after program exit;
- The number of the provider's program participants who are in unsubsidized employment in the 4th quarter after program exit;
- The median earnings of the provider's program participants during the 2nd quarter after exit from the program;

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- The percentage of program participants who obtain a recognized postsecondary credential during participation in or within one year after exit from the program;
- The average earnings of individuals who are in unsubsidized employment during the 2nd quarter after exit; and
- The average earnings of individuals who are in unsubsidized employment during the 4th quarter after exit.

ETPs are required to update performance and cost information for each training program at least every two (2) years after the first continued approval. The training provider will receive an Eligibility Expiration Notice within 45 days of the date the previous program approval (or re-approval), provided that the contact information on the Training Providers Details page is current. ETPs are strongly encouraged to update performance and cost information within the eligibility expiration period. Failure to provide the updated information within 30 days after the updated performance request may result in the training program's denial of continued eligibility. Repeated failures to update training program performance and cost information may result in the training provider's removal from the ETPL.

For continued ETPL eligibility, failure of the training provider to accurately upload program performance within 60 days is considered a substantial violation. Exceptional circumstances beyond the ETP's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues will be taken into consideration, however,

### **Training Provider Requirements**

1. All training providers must submit accurate and timely performance and cost information for continued eligibility at least every two years. Performance data is required to be updated prior to the end of the first year of eligibility, and at least every two years for continued eligibility. Eligibility Expiration Notices notifying the ETP that it is time for re-approval of training programs are sent to the e-mail address of the primary contact person listed on Training Provider Details page.
2. An ETP must assure their ability to provide training programs that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
3. Assurances must be signed by each ETP that it and all of the provider's employees responsible for providing training services will comply fully with all nondiscrimination and equal opportunity provisions of the laws, including WIOA Section 188, Title IV of The Civil Rights Act of 1964, Section 504 of The Rehabilitation Act of 1973, which prohibits discrimination against qualified individuals with disabilities, The Americans with Disabilities Act (ADA) of 1990, The Age Discrimination Act of 1975, Title IX of The Education Amendments of 1972, and The Oklahoma Act Against Discrimination. If the training provider does assure compliance with each of the laws above, they will not be able to complete the application for inclusion on the ETPL.
4. Each prospective ETP's financial sustainability must be verified and documented prior to initial or continued approval. This requirement is intended to help to ensure training providers and programs will not be forced stop operations due to lack of funding or legal issues caused by the financial instability of the training provider.

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- ETPs who were already on the ETPL at the time of this issuance will be required to provide documents pertaining to approval, licensing, or registration from their oversight organization or agency prior to the determination of continued approval. Documents that cannot be uploaded may be scanned and e-mailed to [workforce@okcommerce.gov](mailto:workforce@okcommerce.gov).

### **Provider Removal from the ETPL**

Approved training providers who are determined to have intentionally supplied inaccurate information or to have substantially violated any provision of this issuance and/or WIOA Title I or the WIOA regulations must be removed from the ETPL. A provider whose eligibility is terminated under these conditions must be terminated for a minimum of two (2) years and is liable to repay all training funds (adult, dislocated worker, and youth) received during the period of noncompliance. The intentional provision of inaccurate information may include:

- False claims about business partnerships;
- The provision of false information concerning the authorization or to ability provide a program beyond secondary education;
- The provision of false information concerning licensure, registration, or accreditation to operate in Oklahoma;
- Charging a higher rate of training costs for WIOA participants than for self-pay individuals or those whose training is paid by other payment methods; or
- Misleading or false information regarding the training provider's ability to financially operate and sustain the training programs offered.

Additionally, a training provider will be removed from the ETPL for substantiated or repeated reports/complaints about violations of the nondiscrimination and equal opportunity provisions agreed to in the initial ETP application. Please refer to the Equal Opportunity and Nondiscrimination Statement at the end of this policy.

### **Conditions for Program Removal from the ETPL**

The State may remove a program or programs from the list for failing to meet the established criteria or for not providing all required performance information for subsequent eligibility. Removal is also appropriate if the program has failed to attain or has lost the accreditation required for professional licensure. A training provider that is removed from the list for reasons stated above may reapply for continued eligibility when they can demonstrate that they meet all requirements. Any provider that willfully supplies false performance information, misrepresents costs or services, misrepresents their financial stability relating to the ability to provide training services, or violates requirements of WIOA law, including the provisions addressed in the Assurances section of the ETPL application regarding nondiscrimination, will be removed from the ETPL by the State for a period of not less than two years. Providers are liable to repay all adult, dislocated worker, and youth funds received during the period of non-compliance.

No training provider debarred by the Federal Government may be permitted to be placed or remain on the ETPL. In the case of a training provider or a program of training services that is

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removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

### **Appeals Process**

Training providers can choose to appeal the rejection of their program for inclusion on the ETPL, or its termination of eligibility. The appeal must be submitted in writing via email to: [workforce@okcommerce.gov](mailto:workforce@okcommerce.gov) within 14 days after notification of the decision. The appeal must include the justification for the appeal in the request. The provider also has the right to request a hearing to discuss their appeal. If a hearing is requested, a board will be convened consisting of OOWD management, the OOWD ETPL Administrator, and the SCOWB Director. A decision will be made within 60 days of appeal. This will be a final decision and, if the removal is upheld, the program will be prohibited from reapplying for one year from the date of the final decision or for two years if the removal was for the submittal of false information.

### **Local Board Responsibilities**

SCOWB is responsible for carrying out the following procedures assigned by the State:

1. Ensuring that there are sufficient numbers and types of providers of training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities.
2. Making recommendations to OOWD for approving training providers based on demand occupations in the local area.
3. Establishing relationships with the ETPs in the local area to provide technical assistance, collect performance information as required by the State and determining whether the providers meet the state's performance criteria, and locally approving or denying initial and continued eligibility applications based on said criteria.
4. Recommending that the state remove ETPs that fail to meet local performance standards<sup>9</sup>, in accordance with local policies and procedures.
5. Ensuring that the state's ETP list is disseminated publicly through the local one-stop system, including in formats accessible to individuals with disabilities, and its partner programs.
6. Identifying in-demand sectors or occupations for the local area using relevant labor market information.
7. Reviewing the accuracy of eligibility criteria and performance information for initial applications and applications for continued ETPL approval prior to submission to the State for final approval.

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<sup>9</sup>OOWD may keep locally removed ETPs that meet state requirements on the ETPL for use by other workforce development areas.

### **Allowable Local Board Responsibilities**

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1. With the exception of Registered Apprenticeships, SCOWB may require additional information and/or set higher levels of performance for providers to become or remain eligible for provider services in their local area. This does not mean that a local board may require a provider approved in another workforce development area to update performance information according to the additional criteria and information only they require.
2. SCOWB may supplement the criteria and information requirements established by the state in order to support informed consumer choice and the achievement of local performance indicators. However, the local board may not do so for registered apprenticeship programs. Examples of additional information SCOWB may request include:
  - a. Information on training programs linked to occupations in demand in the local area;
  - b. Performance and cost information for the local outlet/site of multi-site ETPs;
  - c. Information that demonstrates whether local providers are responsive to local program requirements; and
  - d. Other appropriate information related to the objectives of WIOA.
3. SCOWB may make recommendations to OOWD on the procedure used to determine eligibility of providers and programs.

### **State ETPL Responsibilities**

The Oklahoma Office of Workforce Development (OOWD), as the Governor's chosen Workforce Innovation and Opportunity Act (WIOA) administrative entity, must:

1. Develop, maintain, and disseminate the ETPL, including the list of training providers and their programs of study.
2. Establish a minimally burdensome mechanism for adding Registered Apprenticeship programs (RAPs) to the list and verifying registration status at least every two years.
3. Work with the State Board (the Governor's Council) to develop procedures, information requirements, and criteria for determining eligibility, including clarifying state and local board responsibilities.
4. Review and finalize the approval of providers and programs recommended by SCOWB.
5. Determine whether training providers submitted accurate information for the eligibility criteria and performance levels, and take enforcement actions as needed if the provider intentionally submitted inaccurate information or substantially violated WIOA requirements.
6. Ensure that state-established minimal performance levels for initial and/or continued eligibility are met, including verifying the accuracy of the information.
7. Establish procedures for removing a provider from the ETPL.
8. Establish a procedure by which a provider can demonstrate that providing state-required additional performance and cost information would be unduly burdensome or costly.

OOWD will provide technical assistance regarding established criteria and information requirements to ETPs who have demonstrated that additional state-required cost or performance information are unduly burdensome, provided they have not intentionally

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**Comanche County, Cotton County, Tillman County, and City of Lawton Fort Sill Labor Market Area**  
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supplied inaccurate information or substantially violated any WIOA requirements. Technical assistance may be provided in writing to the local workforce boards, who have established relationships with the training providers in their respective workforce development areas. SCOWB is then responsible for sharing the technical assistance with local providers. OOWD will also provide direct assistance to providers, as necessary.

Additionally, the state may seek or agree to reciprocal agreements with another state to permit the mutual use of their eligible training providers. When there is no reciprocal agreement, out-of-state providers must apply for inclusion on Oklahoma's ETPL, and must meet the eligibility requirements established in this policy. Out-of-state training providers must meet the licensing requirements of their home state and be included on the home state's ETPL.

**NONDISCRIMINATION AND EQUAL OPPORTUNITY:**

All parties must comply with Section 188 of WIOA, 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, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases 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; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and all other relevant regulations implementing the laws listed above. (29 CFR Part 38).

The parties also assure compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the parties' operation of the WIOA Title I-financially assisted program or activity, and to all agreements to carry out the WIOA Title I-financially assisted programs or activities. The parties understand that the United States has the right to seek judicial enforcement of this assurance.

**ACTION REQUIRED:** SCOWB will disseminate the ETPL Policy to all SCOWB contractors. All Contractors will be responsible for following this policy approved by SCOWB.

**APPROVED: March 11, 2021**