WORKFORCE INNOVATION AND OPPORTUNITY ACT

Eligible Training Provider List Policy & Procedures

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EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients and sub-recipients/subgrantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

South Central Oklahoma Workforce Board's Workforce Innovation and Opportunity Act Title I program funding statement can be found at https://scowib.info/funding

Caddo County, Grady County, McClain County, and City of Chickasha Labor Market Area
Comanche County, Cotton County, Tillman County, and City of Lawton Fort Sill Labor Market Area
Jefferson County, Stephens County, and City of Duncan Labor Market Area

Eligible Training Provider List Policy & Procedures

PURPOSE: The South Central Oklahoma Workforce Board provides this issuance as guidance to the service provider and other interested parties for required procedures for training providers, program eligibility, and maintenance of the Eligible Training Provider List (ETPL). This guidance supersedes all previously issued policies regarding the ETPL.

REFERENCE:

- **The Workforce Innovation and Opportunity Act (Public Law 113-128)**
- **20 CFR Part 680**
- **TEGL 19-16**
- **TEGL 03-18**
- **TEGL 08-19**
- **TEGL 13-16, Change 1**
- **TEGL 08-19, Change 1**
- **WSD #07-2024**

POLICY:

WIOA training services are based on informed consumer choice in the selection of training programs. A WIOA participant determined to be eligible for training services may select a training provider and program from the ETPL after consultation with a WIOA career advisor. Unless training funds are not available, participants are issued an Individual Training Account (ITA) voucher which may pay for the cost of training, in whole or in part, depending upon the local workforce area policy and ITA dollar limits.

With few exceptions, training providers and their programs must be approved on the ETPL in order to receive funds for training job seekers enrolled in Oklahoma's WIOA programs. To be approved for the ETPL, training programs must meet state and local requirements, which includes completion of the program resulting in a federally recognized credential or skills progression toward one and being related to target industry sectors and in-demand occupations in Oklahoma.

The State is required to develop and operate the ETPL in partnership with Local Workforce Development Boards (LWDB). The ETPL is designed to collect relevant data and display useful information to WIOA customers on training providers, their services, and the quality of their programs. Oklahoma strives to populate the ETPL with training programs that are proven to be successful and remove those programs that fail to achieve positive results for training customers.

The State has revised the guidance on the ETPL policy and procedures for initial eligibility and continuing eligibility to streamline and clarify the process for training provider applications throughout the state; clearly define terminology; clarify minimum performance standards for providers; and promote strategic relationships between local boards and interested education and training providers in the state to move beyond transactional exchanges limited to ITAs. The eligibility requirements will promote accountability, quality, and labor market relevance of training programs that may receive

WIOA funds and will ensure that job seekers not only have informed consumer choice, but also a selection of quality choices.

Instructions:
The Oklahoma ETPL is searchable through the state's virtual case management system and the 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.gov. Oklahoma's ETPL, along with every other state's ETPL, is also maintained by the Employment and Training Administration (ETA) on careeronestop.org, and additional access to the public and stakeholders is published on TrainingProviderResults.gov by the U.S. Department of Labor Employment and Training Administration (DOLETA).

Terminology
ELIGIBLE TRAINING PROVIDER – An organization that has applied and been approved by the state to receive WIOA training funds for the purpose of providing training to clients enrolled in the WIOA program in Oklahoma. In order for a training provider to receive WIOA training funds paid via an ITA for adults, dislocated workers, and out-of-school youth aged 16-24, if appropriate, the programs must be programed on the ETPL.

ELIGIBLE TRAINING PROVIDER LIST – A list containing training programs that have received the state's seal of approval to be offered to WIOA program participants and have WIOA participants referred to the training provider's program(s).

INDIVIDUAL TRAINING ACCOUNT (ITA) – A payment agreement established by a local workforce development board (LWDB), on behalf of a participant, with an eligible training provider. May be used to pay for any allowable type of training, if the training provider and training program is in the Oklahoma ETPL

POSTSECONDARY CREDENTIAL – A credential consisting of an industry-recognized certificate or certification; license recognized by the State or Federal government, or an associate or baccalaureate degree. Note: a certificate of completion of a program only counts as a credential if it is for the completion of a registered apprenticeship. Graduate degree programs (master's and higher) are not eligible for inclusion on the ETPL.

REGISTERED APPRENTICESHIP PROGRAM (RAP) – An apprenticeship program registered and recognized by the United States Department of Labor's Office of Apprenticeship.

REPORTING PERIOD – The span of time for which student performance outcomes are aggregated and prepared for external use. For the purposes of program eligibility determinations, the reporting period is generally the time in between eligibility decisions, generally 24 months after initial determination and 12 months after subsequent eligibility.

STUDENTS COMPLETED (COMPLETERS) – The total number of students who successfully completed a training program during the program year (did not withdraw or transfer).

STUDENTS EXITED (EXITERS) – The total number of students enrolled in a training program who completed, withdrew, or transferred from the program during the reporting period.

STUDENTS SERVED – The total number of students enrolled in a training program during the reporting period.

TRAINING PROGRAM (or PROGRAM OF STUDY) – One or more courses or classes, or a structure regimen, that leads to either a license recognized by the state or Federal Government, a postsecondary credential, secondary school diploma or its equivalent; employment; or measurable skills gains toward such a credential or employment. These training services could be delivered in person, online, or in a blended approach.

Types of Training Allowable Under WIOA, Title I

Funds paid to a provider may be for the following types of training:

- Occupational skills training, including training for nontraditional employment.
- On-the-Job Training (OJT).
- Incumbent Worker Training (IWT).
- Programs that combine workplace training and related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training.
- Job readiness training provided in combination with the training services described above or with transitional jobs, as described in WIOA 134 and 20 CFR 680.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services described above.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Training Provider Application Process

A training provider who wishes to have a program approved will be required to create a provider account in Oklahoma's virtual case management system. Most providers designate one individual representative to serve as the point of contact for their account. Training provider contacts are encouraged to apply at least 60 days in advance of initial program offerings to allow sufficient time for local and State eligibility decisions.

The South Central Oklahoma Workforce Board (SCOWB) ETP Coordinator will work with the training provider contact to ensure that the provider account information is completed accurately and timely. The point of contact must register on Oklahoma's virtual case management system and an

account must be approved by the ETP's State's Administrator prior to the ETP account registration. Once the contact's account has been approved, they can review and complete the training providers registration process working with the SCOWB ETP Coordinator to ensure all information is entered. Once all applicable information and documentation has been submitted, the ETP State's Administrator will review, and approve or deny the provider account. The ETP State Administrator will communicate any issues with the Local Area ETP Coordinator as needed.

Once the ETP account is approved, the training provider contact may then enter program offerings and required program documentation into their account for the review process. All program offerings are reviewed and approved by the SCOWB ETP Coordinator and then submitted to the State's ETP Administrator for review. Training programs must be approved and or denied within 30 days of submission.

Training providers outside of Oklahoma must follow the same process for inclusion on Oklahoma's ETPL as providers within the State. Training providers from out of state must be located in an adjoining state. The out of state training provider must enter into an agreement with SCOWB that has included them on the ETPL, documenting payment terms to ensure that we will not pay out-of-state tuition rates and fees. Documentation of this agreement must be uploaded as part of the initial eligibility documentation. The local area is responsible for ensuring out-of- state providers offer quality training programs that meet local in-demand occupation requirements. SCOWB will exercise prudence in referring a client to an out-of-state or out-of-local-area program offering. SCOWB will prioritize comparable training providers or programs available within the state and/or local area.

Training providers that have no history of providing training programs are prohibited from the list until they have been in business for at least 12 months with established programs and performance. This does not apply to out of state providers with newly established operations in Oklahoma or new to the local area. These providers would need to provide documentation to prove program and performance for a minimum of the last 12 months.

Required Documentation for Training Providers

Licensing Requirements: Training providers must verify that they are accredited, licensed, certified, or authorized with all State and/or Federal entities that they provide training for, and all required documentation is current at the time of ETP registration. Current accreditation, license, certification, registrations, approvals, or exemptions must be uploaded at the time of ETP registration and the ETP contact must maintain current documentation in the ETP virtual file.

Refund Policy: Training providers must have a refund policy that specifies when a refund for tuition and other cost associated with the training program will be allowed. A copy of the refund policy must be uploaded at the time of ETP registration and the ETP contact must maintain current documentation in the ETP virtual file.

Grievance Policy: Training providers must have a grievance policy which ensures due process for students to file complaints against faculty, staff, or other intuition employees. A copy of the grievance

policy must be uploaded into the system at the time of ETP registration, and the ETP contact must maintain current documentation in the ETP virtual file.

Accessibility: Training providers must assure that their training programs are physically and programmatically accessible for individuals with barriers to employment, including individuals with disabilities. Each Eligible Training Provider must sign assurances that it and all employees responsible for providing training services will fully comply with all nondiscrimination and equal opportunity provisions of the law, 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 be unable to complete the application for inclusion on the ETPL.

Types of Training Providers

The following types of entities may apply for an ETP account, and are the only entities eligible to provide training for participants enrolled in WIOA Title I funded programs and paid through an 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.

Initial Eligibility Criteria for Provider's Programs

Once a training provider is approved, they must submit individual programs for consideration to be included on the ETPL Initial eligibility for a training program, if approved, will be granted for one full year (12 months) from the date of approval. Each program must include the specific detailed information listed below prior to review for approval.

Program Description: The training program must include a detailed description that outlines the purpose, duration, and objectives of the program. Additionally, it must document any prerequisites for program entry, such as educational requirement, background checks, drug screen requirements, etc.

Program Cost: The training program must include an itemized list of in-state costs, covering tuition, mandatory fees, books, and supplies for the entire program. This should encompass actual tuition and fees, as well as estimated costs for any required books and supplies. Supporting documentation may be requested to verify the information provided.

Licensing Requirements: Document all licensing requirements, including cost for testing, licenses, association fees, and any other expense necessary for obtaining licensing or certification.

Financial Aid: The training program must document the types of financial aid offered. Uploaded documentation may be required to verify the information provided.

Refund Policy: The training program must document its refund policy. Uploaded documentation may be required to verify the information provided.

In-demand Occupations: The training program must be related to in-demand occupations in the state, align with industry sector strategies and career pathways, and be designed to meet job-driven training needs.

Credential attainment: The training program must lead to one of the following types of credential attainment: a measurable skill gain that results in a secondary school diploma or its equivalent; an industry-recognized certificate or certification; or a recognized postsecondary credential that leads to employment.

Program Overall Performance: The training program must include performance data related to the WIOA performance indicators: employment in the 2nd and 4th quarter after program exit, median earnings 2nd quarter after program exit, and credential attainment.

Additional LWDB Requirements: Currently, the South Central Oklahoma Workforce Board does not have any additional requirements.

Continued Eligibility Criteria for Provider's Programs

Continued eligibility for a training program, once approved, will be granted for two full years (24 months) from the date of approval. Each program must include the specific detailed information listed below prior to review for approval.

Initial eligible programs must be assessed before the end of the of the first year. Prior to the completion of the 12-month period of initial eligibility, the training provider must submit updated required documentation and program performance data in the virtual case management system.

Continued eligible programs must be assessed before the end of the second year. Prior to the completion of the 24-month period of continued eligibility, the training provider must submit updated required documentation and program performance data in the virtual case management system.

Required Documentation:

Licensing Requirements: Document all licensing requirements, including cost of testing, licenses, association fees, and any other expense necessary for obtaining licensing or certification.

Refund Policy: The training program must document its refund policy. Supporting documentation may be required to verify the information provided.

Grievance Policy: Ensure that a grievance policy is provided for each training program, if different from the training provider's general policy. The grievance policy must detail due process for students to file complaints against faculty, staff, or other institution employees. A copy of the grievance policy must be uploaded into the system.

Program Performance Requirements:

Performance data must be provided at the student level and segregated by training program,

covering both WIOA and non-WIOA student populations. For continued eligible programs, the training provider must enter the non-WIOA student data into the virtual case management system. WIOA student data will be auto populated within the case management system.

Performance Standards:

- Employment Rate (2nd Quarter): The percentage of program participants who are in unsubsidized employment during the second quarter after exiting the program.
- Employment Rate (4th Quarter): The percentage of program participants who are in unsubsidized employment during the fourth quarter after exiting the program.
- Median Earnings: The median earnings of program participants who are in unsubsidized employment during the second quarter after exiting the program; and
- Credential Attainment: The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within one (1) year after exiting the program.

Oklahoma has established benchmarks for program-specific data for both initial and continued eligibility determinations. To meet these benchmarks, a program must meet at least one of the following minimum standards:

1. Program Completion Rate: At least 40% of the participants entering a program must complete it.
2. Credential Attainment Rate: At least 50% of total participants completing a program offering a recognized postsecondary credential must earn the credential.

Modification of Approved Programs

ETPL providers must keep all provider and program information current. The ETP provider contact is required to report the following changes to the SCOWB ETPL Coordinator when information is updated:

- **Change in Price**: Update the program cost and include the reason for the change.
- **Change in Ownership or Control**: This may include, but is not limited to, the sale of the institution, the merger of two or more institutions, the division of one institution into two or more institutions, or the conversion of the institution from a for-profit to a non-profit, or vice versa.
- **New Program Location**: Update the location in the system when offering a program at a new location.
- **Program Deletion or Suspension**: ETP Contact must notify the Local ETP Coordinator in writing when a program has been deleted or suspended. The notification must detail the teach-out plan or how the provider will be advising students regarding other options.
- **Accreditation/Authorization Status**: ETP Contact must notify the Local ETP Coordinator in writing of any actions or reviews by the institution's accrediting body concerning the institution's accreditation status, such as loss of accreditation or any sanctions.

Additionally, all training providers must notify the ETPL Coordinator of a change in the contact information for the provider's account in the virtual case management system.

Removal of a Training Provider and/or Program

The training provider and/or program(s) may be removed from the ETPL for the following:

- The provider fails to meet the State established performance levels documented in this policy.
- The provider does not provide all required performance information for continued eligibility. Programs that fail to provide performance information for continued eligibility will be removed from the list until they provide all the required information.
- The provider has failed to attain or lost the accreditation required for professional licensure.
- If a Local Workforce Board has established minimum performance standards and the provider and/or program has failed to meet these locally established performance levels.

The Training Provider, including registered apprenticeship, must be removed from the ETPL for a minimum of two (2) years for the following reasons. If the provider is removed, they may be liable to repay all training funds (adult, dislocated worker, and youth) received during the period of noncompliance.

- **Intentional Misrepresentation**: Providing inaccurate or false information, including but not limited to:
  - False claims about business partnerships.
  - The provision of false information concerning the authorization or ability provide a program beyond secondary education.
  - The provision of false information concerning licensure, registration, or accreditation to operate in Oklahoma.
  - Misrepresent cost including, 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.
- **Fraud**: Suspected or actual involvement in fraud.
- **Debarment**: The provider or organization has been debarred from doing business with the federal government.
- **Violation of Nondiscrimination Provisions**: Reports or complaints about violations of the nondiscrimination and equal opportunity provisions agreed to in the initial ETP application
- **Policy or Regulation Violation**: Substantial violation of any provision of this policy, WIOA, or associated regulations.

If a training provider or program is removed from the ETPL 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. If a program has lost licensing, certification, or authorization to operate, the local area is responsible for identifying alternative solutions for participants that align with their individual training plans.

Notification to Denied or Removed Providers

If a training provider is denied or removed from the ETPL, the SCOWB will notify the provider in writing via email within 30 days of the decision. The notification must include the reasons for the denial or removal and details on the state's appeal process. Additionally, SCOWB will send a copy of this notice to the ETP State Administrator at etp@oesc.ok.gov.

Appeals Process

Providers may appeal the denial or removal of their program from the ETPL. The appeal must be submitted in writing via email to etp@oesc.ok.gov within 14 days after receiving notification of the decision. The appeal must include the justification for the request.

Providers also have the right to request a hearing to discuss their appeal. If a hearing is requested, an appeals committee will be convened, consisting of OESC leadership, the state's ETPL Administrator, and the SCOWB Director. A decision will be made within 60 days of the appeal. This decision is final. 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 due to the submission of false information.

Registered Apprenticeship Programs

RAPs are automatically eligible to be included on the ETPL and are exempt from state and local 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 RAP's. 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 in-demand occupation for as long as the openings remain unfilled.

The state will reach out to new apprenticeship programs to inform them of their automatic eligibility on the state's ETPL. RAPs that opt for inclusion on the ETPL may request the state's ETPL Administrator 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.
- The appropriate NAICS and SOC codes, as currently required by the ETPL information system.

RAPs will remain on the ETPL until:

- The RAP notifies the OESC that it no longer wants to be included on the ETPL.
- The program is removed from the DOLETA/OA registered apprenticeship list.
- The program is determined to have intentionally supplied inaccurate information; or
- A determination is made that the RAP substantially violated any provision of WIOA Title I or associated regulations including 29 CFR Part 38

RAPs are exempt from ETP performance reporting requirements; however, they may voluntarily report performance outcomes. Information necessary to verify the registration status for the RAP are required.

State and Local Board Responsibilities

The State Board 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 Governor's Council to develop procedures, information requirements, and criteria for determining eligibility, including clarifying state and LWDB responsibilities.
4. Review and finalize the approval of providers and programs recommended by the LWDBs.
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 established 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.
9. Make decisions on training provider appeals to OESC, after a training provider receives an unsatisfactory appeal decision at the local level, which includes an opportunity for a hearing and a timely decision.
10. Ensure training providers' applications and programs approved by LWDBs are reviewed, and those approved are placed on the ETPL in a timely manner.

The South Central Oklahoma Workforce Board is responsible for carrying out the following procedures assigned by the State:

1. Establishing local policy that includes the following:
    - Identification of in-demand sectors or occupations for the local area using relevant labor market information. Each LWDB must establish, maintain, review, and update annually a program of existing or emerging occupations that are determined to:
        - be part of a sector of the economy that has a high potential for sustained demand or growth in the local area.
        - target industry clusters within the local area.
        - support economic growth priorities; and
        - address industry-specific shortages.
    - When developing Individual Training Accounts (ITAs), priority should be given to training

programs that:
  - Support a career pathway for WIOA participants
  - Lead to recognized post-secondary credentials
  - Are aligned with in-demand industry sectors or occupations within the local area.
- Identify locally defined eligibility criteria, performance requirements, and removal if applicable.

2. SCOWB will use the ETP system for training providers and programs to be on the ETPL. SCOWB authorizes qualified SCOWB staff members (ETP Coordinators) to act on their behalf in making determinations for initial and/or continued eligibility of providers and their program(s).
3. SCOWB will conduct outreach to their local and regional employers and education and training providers to ensure the local area has an ample selection of training programs, These programs should:
   - Provide credentials, certificates and/or skills that are valued by employers within target industry sectors identified in the State Plan and the Local or Regional Plan.
   - Supports the current in-demand occupations list.
4. Ensure that there are sufficient numbers and types of providers of training services serving the local area and providing services in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities. Eligible providers must include:
   - Providers with expertise in assisting individuals with disabilities;
   - Providers skilled in assisting adults in need of adult education and literacy activities,
   - Providers that use technology-based programs to enhance learning.
   - Providers that provide remote learning options.
5. Establish relationships with the ETPs in the local area to provide technical assistance, collect performance information as required by the State, and determine whether the providers meet the required performance criteria.
6. Ensure that the state's ETPL is disseminated publicly through the local one-stop system, including in formats accessible to individuals with disabilities.
7. Thoroughly research the training provider and programs applying to be on the ETPL list. For both initial applications and applications for continued eligibility, ensure the accuracy of eligibility and performance information prior to submission to the State for final approval.
8. Follow local procedures to review initial and/or continued eligibility of training programs. Apply any additional local criteria, if applicable, and complete the review within 30 days of receiving a completed application.
9. Monitor training providers and their programs for compliance and performance.
10. Notify training providers and the state's ETPL Administrator of the denial/removal of programs at the local level.
11. Follow the appeals process for training providers removed as an Eligible Training Provider.
12. Develop a process for tracking participant complaints related to ETPL training providers.

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recipients/Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: SCOWB will disseminate the Eligible Training Provider List Policy & Procedures to all SCOWB contractors, staff, and board members. All contractors, staff, and board members will be responsible for following this policy.

APPROVED: 01/16/25