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WIOAPL 16-02.2 (Eligible Training Providers)

Workforce Innovation and Opportunity Act Policy Letter No. 16-02.2

October 21, 2022

TO: Workforce Innovation and Opportunity Act Local Workforce Development Board Directors, Fiscal Agents, and OhioMeansJobs Center Operators

FROM: Matt Damschroder, Director

SUBJECT: Eligible Training Providers

ATTACHMENTS:

[Attachment A Credential Classification Checklist Template](#)

[Attachment B Glossary](#)

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I. Purpose

The purpose of this policy is to establish the criteria for eligible training providers (ETPs) who may receive Workforce Innovation and Opportunity Act (WIOA) funding to provide training services and the procedures for approving them on the State ETP list.

II. Effective Date

Immediately

III. Rescission

ODJFS, Workforce Innovation and Opportunity Act (WIOA) Policy Letter No. 16-02.1 Eligible Training Providers. (May 28, 2019)

IV. Background

The workforce development system established under the Workforce Innovation and Opportunity Act (WIOA) emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principles. The Ohio Department of Job and Family Services (ODJFS) plays a leadership role in ensuring the success of the ETP system in partnership with the local workforce development boards (WDBs), the OhioMeansJobs system, and its partners.

As required by section 122 of WIOA and 20 C.F.R. 680.400, the State, in partnership with the local WDBs, must identify providers of training services that are qualified to provide WIOA-funded training to adults, dislocated workers, and youth. Therefore, WIOA requires that each state maintain a list of ETPs and their programs of training services along with relevant performance and cost information. The State must establish eligibility criteria and procedures for initial determination and renewals of eligibility for training providers and training programs to receive funds under WIOA title I-B. The State ETP list and the related eligibility procedures must ensure the accountability, quality, and labor-market relevance of programs of training services. In administering this process, the State and local workforce development areas must work to ensure that qualified providers offering a wide variety of job-driven training programs are available.

An individual training account (ITA) is one of the primary methods through which training is financed and provided for adults, dislocated workers, and youth, including youth who are in school and permitted to receive ITAs through waiver authority granted by the United States Department of Labor (USDOL). ITAs are established on behalf of a WIOA participant to purchase a program of training services from ETPs. Further guidance may be found in the policy letter on the use of ITAs.

Providers of on-the-job training (OJT), customized training, incumbent worker training, internships, paid or unpaid work experience, or transitional jobs are not funded through ITAs, are not required to be included on the State ETP list, and are not subject to the eligibility criteria pertaining to ETPs.

Pursuant to the State policy letters on training services for adults and dislocated workers and youth program services, and paragraph (E)(4) of rule 5101:14-1-02 of the Administrative Code, training services and occupational skills training for which ITAs are used shall only be delivered by providers who have met the eligibility criteria and are included on the State ETP list.

V. State Requirements

A. Management of the State ETP List

ODJFS is responsible for establishing the criteria, information requirements and procedures for the State ETP list, including procedures identifying the respective roles of the State and the local areas governing the eligibility of ETPs. The State will review all applications for inclusion on the State ETP list and will notify each training provider via e-mail of the approval or denial decision for the provider and for each training program proposed by the provider.

The State is responsible for the following activities:

1. Ensuring the development and maintenance of the State ETP list;
2. Ensuring programs meet the eligibility criteria and performance levels established by the State;
3. Removing programs that do not meet State-established program criteria or performance levels;
4. Taking appropriate enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA; and
5. Disseminating the State ETP list to the public and the local WDBs.

B. Dissemination of State ETP List

To assist participants in choosing employment and training activities, the State ETP list will be disseminated to local WDBs in the state, members of the public, the OhioMeansJobs delivery system, and program partners, including the State's secondary and post-secondary education systems.

To ensure informed consumer choice, the State ETP list is widely available to the public through electronic means and includes searchable databases. The State ETP list is accessible to individuals seeking information on training outcomes and participants in employment and training activities funded under WIOA, including individuals with disabilities.

The State ETP list contains appropriate information to assist participants in choosing employment and training activities, including:

1. Recognized post-secondary credential(s) offered;
2. Provider-supplied information as part of eligibility; and
3. Training program performance and cost information.

VI. Eligibility Requirements for ETPs


A. Eligible Training Providers (ETPs)

ETPs may include:

1. Accredited institutions of higher education that provide programs which lead to recognized post-secondary credentials;
2. Entities carrying out programs registered under the National Apprenticeship Act (29 U.S.C. 50); or
3. Public or private for-profit providers of training services, which may include but are not limited to:
 - a. Community-based organizations;
 - b. Joint labor-management organizations; and
 - c. Eligible providers of adult education and literacy activities under title II of WIOA (in Ohio, known as Aspire) if such activities are provided in combination with occupational skills training.

Ohio may approve training providers who do not have a physical training location in Ohio, if the provider meets all other eligibility and performance reporting criteria.

B. Provider Initial Eligibility

Any provider offering a program of training services to be funded through WIOA using ITAs must be included on the State ETP list. Except for registered apprenticeship programs, all providers must first apply for consideration by submitting all required informatio  to

the State's designated online system for managing the State ETP list.

To qualify as an ETP in Ohio, a provider of training services must meet the following criteria:

- a. Remained in business for two years or longer;
 - i. As indicated by the date upon which the provider initially registered with the Ohio (or other state) Secretary of State.
- b. Registered with the Ohio Secretary of State to do business in Ohio, is exempted from such registration, or registered to do business in another state if the provider does not have a significant presence in Ohio;
- c. Is not debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in transactions by USDOL or the State of Ohio;
- d. Does not owe any outstanding tax liability to the State or Federal government more than six months past due; and
- e. Does not owe any outstanding civil, criminal, or administrative fines or penalties at the State or Federal level.

ETPs may apply for approval of programs of training services at any time after their provider application has been approved.

C. Provider Continued Eligibility

To remain active on the State ETP list and continue to receive WIOA funding, an ETP must renew its provider status in the State's designated system for managing the State ETP list at least once every 12 months following the date of the previous approval. The provider renewal process requires an update of basic provider information.

The State will review all submitted renewal requests and will terminate and remove providers that fail to meet criteria necessary to remain eligible. The training provider will be notified via e-mail when its status has either been renewed or terminated.

If an ETP does not renew its provider status within 90 days following the 12-month renewal date, the provider will be terminated and removed from the State ETP list. The training provider will no longer be permitted to provide ITA services funded by WIOA until completing the initial eligibility process described above and obtaining ODJFS approval.

D. Program Initial Eligibility

After the provider application has been approved, the provider may apply for approval of their programs of study. A provider will not appear in a public search of the state of Ohio's ETP list until they have at least one approved program.

For each program of training services to be offered by the provider, all of the required information fields must be submitted in the State's designated online system for managing the State ETP list. For initial eligibility, this information includes but is not limited to:

1. Description of each program of training services to be offered;
2. Information addressing a factor related to WIOA performance indicators;

3. Information concerning whether provider is in a partnership with a business.; and
4. Information addressing the alignment of training with in-demand industry sectors and occupations

Program Performance for Initial Eligibility

To assist participants in selecting training activities and providers of training services, for an initial eligibility approval, ETPs are required to provide outcome data for at least one of the below indicators of program performance for individuals who attended each approved training program:

- a. Employment 2nd Quarter after exit;
- b. Employment 4th Quarter after exit;
- c. Median earnings in the 2nd Quarter after exit, or
- d. Graduation or Credential attainment rate.

"After exit" in this context means after a student has left the program or has graduated.

ETPs are responsible for ensuring the timeliness and accuracy of their performance reports. Failure to submit this information will result in removal from the ETP list. The State will review all submitted initial approval requests and will deny programs that fail to meet the criteria necessary to remain eligible. The training provider will be notified via e-mail when its program status has either been approved or denied.

E. Program Continued Eligibility

To remain active on the State ETP list and continue to receive WIOA funding, an ETP must renew each of its programs in the State's designated system for managing the State ETP list at least once every 12 months following the date of the previous approval.

The renewal process requires an update of the information pertaining to each program offered by the ETP, and the indicators of program performance to reflect outcomes using the most recently available data that pertain to each performance measure (if such data are available) as required for performance reporting.

For a continued eligibility determination, ETPs are required to submit all required information which includes but is not limited to:

1. ETP performance on WIOA performance indicators
2. Information regarding access to training services throughout the state (including rural areas and through technology use).
3. Information reported to state agencies on federal and state training programs other than WIOA Title I-B programs.
4. The degree to which training programs relate to in-demand industry sectors and occupations in the state.

5. State licensure requirements of training providers, and licensing status of providers of training services, if applicable.
6. ETP's ability to offer industry-recognized certificates and credentials.
7. ETP's ability to offer programs that lead to a recognized post-secondary credential.
8. Quality of the program of training services including a program that leads to a recognized postsecondary credential.
9. ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.

Program Performance for Continued Eligibility

For a continued eligibility determination, ETPs are required to provide outcome data for all four of the below indicators of program performance for individuals who attended each approved training program:

- a. Employment 2nd Quarter after exit;
- b. Employment 4th Quarter after exit;
- c. Median earnings in the 2nd Quarter after exit, or
- d. Graduation or Credential attainment rate.

The State will review all submitted program renewal requests and will remove programs that fail to meet the criteria necessary to remain eligible. The training provider will be notified via e-mail when its program has either been renewed or denied.

If an ETP does not renew the status of one or more of its training programs within 90 days following the 12-month renewal date for that program, the program(s) will be removed.

ETPs are responsible for ensuring the timeliness and accuracy of their performance reports. Failure to submit this information will result in removal from the ETP list. The State will review all submitted continued eligibility requests and will deny programs that fail to meet the criteria necessary to remain eligible. The training provider will be notified via e-mail when its program status has either been approved or denied.

F. Registered Apprenticeship Programs

Registered apprenticeship programs, upon approval by ODJFS, are given the opportunity to be included on the State ETP list. Sponsors may request to be excluded. When applying to become a registered apprenticeship program, the sponsor will be informed of this opportunity and the benefits of inclusion on the State ETP list.

Once included on the State ETP list, registered apprenticeship programs will remain on the list until they are deregistered or until the registered apprenticeship program notifies ODJFS that it no longer wishes to be included on the list. All registered apprenticeship programs listed on the statewide ETP list must also be located on all local ETP lists.

National Apprenticeship programs are automatically eligible for inclusion on the State ETP list. National programs are not required to register their program in the State of Ohio in order to gain inclusion on the ETP list.

Inclusion of a registered apprenticeship program on the State ETP list allows eligible adults, dislocated workers, and youth who are authorized to receive ITAs to use WIOA funds to cover the costs of classroom training provided as part of the apprenticeship program, subject to policy limitations by ODJFS or the local WDB. All registered apprenticeship programs are considered to be in-demand. Local areas do not need to determine occupational-demand status for registered apprenticeship sponsors who are hiring.

G. Loss of ETP Eligibility

A training provider must deliver results and provide accurate information to retain its status as an ETP. If a change should occur between eligibility review periods, training providers must immediately submit to ODJFS information regarding any changes in their eligibility and/or accreditation. Providers must disclose any factors that may change their eligibility status. Failure to do so may result in a finding of a substantial violation and removal from the State ETP list.

Criteria for Substantial Violations

ODJFS considers an institution to have committed a "substantial violation" when:

1. ODJFS determines that the institution intentionally supplied inaccurate information.
2. ODJFS determines that the institution has substantially violated any provision of title I of WIOA or the WIOA regulations, including 29 CFR part 38.
3. There is an order against the institution under 29 CFR 38.113 suspending, terminating, denying, or discontinuing WIOA Title I financial assistance to the institution.

If ODJFS determines that an institution committed a substantial violation, ODJFS will remove the institution and all its programs, including registered apprenticeships, from the State ETP list for a minimum of two years. The period of removal lasts for two years from the date of that determination. However, the period of removal may extend beyond two years if there are multiple determinations stemming from multiple levels of review, including determinations made under 29 CFR part 38. The two-year period, in these cases, is calculated from the date of the final determination. During the period of removal, the institution is prohibited from publishing new training programs to the State ETP list. ODJFS determines WIOA substantial violation periods of noncompliance and fund reclamation procedures on a case-by-case basis.

A provider of training services whose eligibility is terminated for committing a substantial violation shall be liable for the repayment of funds improperly secured or received during the period the violation(s) occurred.

Typically, ODJFS terminates a training program's eligibility and removes it from the ETPL website during the continued eligibility process; however, ODJFS may terminate eligibility at any time if it determines that there are grounds to do so. When ODJFS terminates a training program's ETPL eligibility, it sends an email that identifies the reason(s) for the termination.

Programs may also be removed during routine reviews or during continued eligibility reviews, if ODJFS determines that the program does not meet the criteria outlined for inclusion.

H. Appeal Process for ETPs

Per 20 C.F.R. 680.480, providers of training services who have been rejected from Ohio's eligible training program list may appeal this decision using the following procedure. This procedure remains the same for appealing the rejection of a training program.

1. Within 14 days from the date the rejection notice was received, the provider may file an appeal to the Office of Workforce Development by submitting in writing all of the following information:

- A statement appealing the rejection;
- Information as to why the training program should be eligible; and
- Who the primary point of contact for the training provider will be.

Providers should also submit any documentation pertaining to the program or credential associated with the program. For example-information regarding the credential attained upon completion of the program.

2. The written appeal shall be submitted to WIOAQNA@jfs.ohio.gov.

The State will review the appeal and conduct an internal hearing process using the information submitted in the appeal and issue a written decision/response within 60 days of the receipt of the appeal.

VII. Credential Types

A. Recognized Postsecondary Credential (RPC)

RPCs are awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance in a career. RPCs are the credential type most likely to result in employment in an in-demand job and the only credential type that results in a positive outcome for the credential attainment performance measure related to workforce programs. As such, only programs that result in an RPC will be accepted on the State ETP list.

An RPC is defined as one of the following:

1. An industry-recognized certificate or certification;
2. An occupational license recognized by the state or federal government;
3. A certificate of completion of a registered apprenticeship program; or
4. An associate or baccalaureate degree.

B. Embedded Stackable Credential (ESC)

An ESC is a minor certification that is a component piece within a more comprehensive training regimen leading to an RPC. The ESC measures interim skill gains toward completion of the RPC. For example, earning a Certified Production Technician credential requires completion of a safety certification. The safety certification alone would be considered a Basic Skill Certification and would not be included on the State ETP list. However, when the safety certification is embedded into a broader RPC program, this program may be included on the State ETP list and funded through an ITA.

C. Basic Skill Certification (BSC)

A BSC is a stand-alone verification of entry-level job skills such as First Aid, CPR, safety, hygiene, forklift operation, or aptitude at operating a computer. These minor certifications are not considered RPCs, even if broadly required to enter employment. Therefore, programs that result in such credentials are not included on the State ETP list. Basic Skills Certifications are not considered occupational skills training under WIOA and are not funded through an ITA.

D. Work Readiness Certificate (WRC)

A WRC verifies an individual's possession of characteristics and soft skills known to lead to success in the workplace such as punctuality, telephone etiquette, work ethic, and basic academic skills including math, writing, or basic computer usage. WRCs are not considered RPCs and are not included on the State ETP List.

Local WDBs may use procurement methods other than the State ETP list to fund these minor credentials that verify basic skills and work readiness where necessary and appropriate.

Attachment A to this policy provides additional guidance on the defining characteristics of RPCs and other types of workforce credentials along with a checklist template that local areas may use or adapt to determine whether a credential meets the RPC criteria.

VIII. Local WDB Requirements

The local WDB is responsible for the following activities pertaining to ETPs:

1. Carrying out procedures assigned to the local WDB by the State, such as informing the State of concerns related to the quality of providers or inaccurate performance data;
2. Working with the State to ensure there are sufficient numbers and types of providers of training services, including ETPs with expertise in assisting individuals with disabilities or in need of adult education and literacy activities; and
3. Ensuring the wide dissemination and appropriate use of the information available in the State ETP list.

Additionally, the local WDB may:

1. Make recommendations to the State on the best procedure for identifying qualified ETPs;

2. Request additional information from ETPs to assist adults, dislocated workers, and youth in making an informed choice; and
3. Conduct site visits to assess the quality of the providers, and report on the findings.

Local WDBs may supplement information requirements defined in this policy to support informed customer choice and the achievement of local performance measures. This additional information may include:

1. Information on programs of training services that are linked to local in-demand occupations;
2. Information that shows how programs are responsive to local workforce development area needs; and
3. Other appropriate information related to the objectives of WIOA.

Local WDBs are not required to provide WIOA funding to a training provider listed on the State ETP list and may establish local policy regarding how ETPs will be utilized locally. However, this policy must not inhibit consumer choice. For example, a local WDB may decide against using ETPs that did not provide data on the indicators of program performance if a sufficient number of ETPs remain available within a reasonable commuting distance for participants to receive the training services they need to enter in-demand occupations.

IX. Technical Assistance

Requests for technical assistance may be sent to ODJFS, Office of Workforce Development: WIOAQNA@jfs.ohio.gov.

X. References

Workforce Innovation and Opportunity Act, §§ 122, 123, 129, 134, and 188, Public Law 113-128.

20 C.F.R. §§ 680.340, and 680.400 through 680.510.

29 C.F.R Part 38

O.A.C. 5101:14-1-02(E)(4).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-09.1, Training Services for Adults and Dislocated Workers (January 8, 2018).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-10, Youth Program Services (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-11.3, Use of Individual Training Accounts (ITA) (September 27,2021).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 17-04.1, Waivers for Implementation of the Comprehensive Case Management and Employment Program (October 14,2020).

USDOL, Training and Employment Guidance Letter (TEGL) No. 8-19, Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs, (January 2, 2020).

USDOL, Training and Employment Guidance Letter (TEGL) No. 8-19 Change 1, Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), (May 17, 2021).

ATTACHMENTS:

[Attachment A Credential Classification Checklist Template](#)

[Attachment B Glossary](#)