

***Adopted XXXX XX, 2018***

## WIOA Section 122

USDOL ETA Training and Employment Guidance Letter WIOA No. 10-16, Change 1

Idaho WIOA Transition ETPL Policy January 13, 2016

The Workforce Innovation and Opportunity Act (WIOA) requires states to approve training providers before funds can be used to pay for occupational training. The Governor (via the Idaho Workforce Development Council) is charged with developing the process for determining how training providers may qualify for inclusion on Idaho's Eligible Training Provider List (ETPL).

### Eligible Providers of Training Services - WIOA 122(a)(2)

- Post-secondary education institutions;
- Other public or private providers of training, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under WIOA title II if such activities are provided in combination with occupational skills training; and
- Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with the Idaho Workforce Development Council.

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## **Eligible Programs of Training Services – Adapted from TEGl 41-4**

The Eligible Training Provider List is composed of eligible training programs. Training provider must meet eligibility standards along with individual programs offered by the provider. A program of training services is defined as one or more courses or classes, or a structured regimen that directly leads to employment in an in-demand occupation. The training must lead to a recognized post-secondary credential, secondary school diploma or its equivalent, or demonstrate a measurable skill gain toward such a credential or employment. These training services may be delivered in person, on-line, or in a blended approach; however, the training provider must provide physical facilities and/or tools to provide a high-quality experience in meeting instructional and skills assessment needs.

## **Training Service Exceptions to Eligible Training Provider List – WIOA 122(h)**

Training services that are not subject to the requirements of the eligible training provider provisions in this policy are:

- On-the-job training; customized training; incumbent worker training; transitional employment; or
- The circumstances described at WIOA sec. 134(c)(3)(G)(ii), where the Workforce Development Council determines that:
  - There are insufficient providers, or
  - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
  - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice.

**Note:** The Eligible Training Provider List is used only to provide occupational skills training services. Basic skills training, “soft” skills training, or other workforce preparation training services (see Appendix C for definitions and examples) do not train individuals for a particular occupation.

Not considered occupational skills training:

- Workshops or seminars provided by organizations not registered with the Idaho State Board of Education that last three (3) calendar days or less and are offered no more than four (4) times per year are not considered occupational skills training
- Intensive review courses as instruction for test preparation
- Continuing education courses for those with existing occupational skills
- Work preparation certificates such as CPR, OSHA, WorkKeys, or Food Handler Certificates

As part of a WIOA participant’s individualized employment plan, career planners may pay for these activities as career services separate from or in addition to occupational skills training.

## **Types of Eligibility – WIOA (b)(4), (c)(2)**

WIOA provides for *Initial Eligibility* and *Continued Eligibility*. Initial eligibility is for new programs who upon approval receive eligibility for one year. Continued Eligibility is for a biennial review and renewal of programs having completed initial eligibility.

Policy criteria are provided below for both initial and continued eligibility as directed in WIOA Section 122. These criteria are described in Appendix B. Until such time as data exists to inform policy development, alternate criteria may be used to determine eligibility. These alternate criteria will be used for both Initial and Continued Eligibility during the WIOA Transition.

## **Idaho Transition Policy**

### **Alternate Criteria for WIOA Eligible Training Providers**

#### **Initial Eligibility**

##### ***Institution Criteria:***

- Provide a certificate of registration or letter of exemption from the Office of the State Board of Education or other oversight body such as the Bureau of Occupational Licensing authorizing the entity to provide training and collect tuition in the State of Idaho.
- Provide the required data elements in IdahoWorks as directed by the Idaho Department of Labor.
- Successfully complete Equal Opportunity desk review survey located here: <https://labor.idaho.gov/WIOA/WIOA-EO-Desk-Survey.pdf>
- Sign agreement to securely collect and report required information for programs.

##### ***Program Criteria:***

- Program of training leads to a high-growth/high-demand occupation listed in Appendix A. WIOA participants will be encouraged to select training for an occupation that pays at least \$12 per hour.

Note: Appendix A is updated annually in July by the Workforce Development Policy Committee of the Idaho Workforce Development Council.

- Program of training provides a high-quality experience, including leading to a recognized postsecondary credential or demonstrate a measurable skills gain toward such a credential or employment.

Notes: WIOA participants will be encouraged to select training that leads to an industry-recognized postsecondary credential.

Postsecondary credentials and measurable skills gains are further defined in Appendix C.

High quality training experience may be identified by:

- Physical facilities and/or tools appropriate to meet instructional and skills assessment needs;
- Reportable skills gain measured by assessments;
- Industry endorsement;
- Not having a high dropout rate and/or high student loan default rate and/or poor job placement rate; and
- Preferably has regional or national accreditation.

Exceptions

- U.S. Department of Labor Registered Apprenticeship (RA) Programs - Upon request from the RA program sponsor, programs are automatically placed on the Eligible Training Provider list. RA programs are encouraged to comply with the requirements in this policy, especially providing information for performance reporting; however, they are not required to do so.
- Public Postsecondary Academic Programs - Academic programs provided by Idaho's public colleges and universities will be approved for initial eligibility under WIOA. These programs will be added to the ETP list upon request of a WIOA career planner from the Idaho Department of Labor and confirmed by the Idaho State Board of Education.
- Out-of-State Providers – Out-of-state providers must be on their respective state's WIOA eligible training provider list. A reciprocal agreement must be signed with the respective state's ETP administrator or appropriate signatory.

Initial eligibility will expire 1 year from date of approval.

## **Continued Eligibility**

A training provider may have their eligibility continued by meeting the following:

- Provide evidence that the Institution Criteria described in the Initial Eligibility section above continue to be met.
- Provider has submitted the required performance data in accordance with the deadlines set by the Idaho Department of Labor.
- The occupation(s) the provider's training program(s) are aligned to continue to be included on the list provided in Appendix A, which is updated annually.

Registered Apprenticeship (RA) programs are not subject to Continued Eligibility and will continue to remain on the Eligible Training Provider list until the sponsor requests to be removed. RA programs are

encouraged to comply with the requirements in this policy, especially providing information for performance reporting; however, they are not required to do so.

## **Denial or Termination of Eligible Training Provider Status**

A training provider or program may be denied initial or continued eligibility for the following reasons:

1. Required information was not provided correctly or in a timely manner.
2. The training program does not support the occupations in demand in Idaho and/or does not meet minimum entry-level wage criteria
3. The training program does not meet the WIOA definition of training services, which is a program of one or more courses or classes or a structured regimen that leads to: a. A recognized post-secondary credential, secondary school or equivalent; b. Employment, or c. A measurable skill gain toward such a credential or employment.
4. The training program does not provide a high-quality educational experience in meeting instructional and assessment needs. (Could be evidenced by lack of regional or national accreditation, lack of industry endorsement, lack of skills gain measured by assessments, lack of job placement, a high dropout rate and/or high student loan default rate)
5. The training provider has not maintained required licenses and certifications or is found to be noncompliant with the training provider's assurances or certifications.
6. The training provider is not in compliance with the WIOA regulations, or any agreement executed under the WIOA.

Providers who apply will be notified if the provider does not meet the compliance standards. Each provider will be notified of the status of each requested program.

### **Formal Hearing-Appeal**

Within 14 calendar days after receipt of the Idaho Department of Labor's determination of ineligibility or termination, the training provider may file a written request to receive an appeal by formal hearing. A provider will have the option of presenting their case to a Hearing Officer or the Workforce Development Council. An appeal overseen by a Hearing Officer will be scheduled within 30 calendar days from the receipt of the request for a hearing. An appeal overseen by the Council will be scheduled at the time of the next Workforce Development Council meeting, provided there is at least 14 days before the next meeting. The hearing shall include an opportunity for the applicant to submit written and verbal information to the presiding entity. The presiding entity will issue a decision within 60 calendar days from the date the hearing takes place. The decision of the presiding entity shall be final.

## APPENDIX A

### Idaho Occupations in Demand – 2015

*Appendix A is updated annually by the Workforce Development Policy Committee in July.*

#### Methodology

Idaho Department of Labor's labor market information unit has developed a comprehensive and exhaustive list that ranks Idaho's occupations in demand with entry level wages starting at \$10/hour or greater. The methodology used both quantifiable and anecdotal information to comprise the list. The three main components are Hot Jobs data, Real-Time job listings and feedback from employers gleaned from Department business specialists and Department regional economists. The Hot Job's component includes three major long-term occupational projection's variables, (1) employment abundance, (2) employment growth and (3) median wages. The list is also augmented with targeted industry cluster flags, entry level wage information and education and training requirements.

This list may be found online at:

<http://labor.idaho.gov/dnn/wia/CustomServices/EligibleProviderLists.aspx>.

#### Variables Included in Occupations in Demand Analyses:

- **#1 Hot Jobs (2014)** – employment abundance and wage levels (Occupational and Employment Statistics – OES) and employment growth (long-term occupational projections).
- **#2 Real-Time Job Listing/Vacancy (2015)** indexed to occupational employment data to develop a proxy for demand and vacancies – Help Wanted On-Line (HWOL). The average of the last seven months were calculated to adjust for seasonality.
- **#3 Employer Interviews and Subject Matter Expertise (SME)** from the field
- **#4 Targeted Industry Cluster** – Technology, Healthcare, Energy and Manufacturing
- **#5 and #6 Entry Level Wages** - mean of the lower third of the population
- **#7 Typical education needed for entry** – Bureau of Labor Statistics
- **#8 Work experience in a related occupation** – Bureau of Labor Statistics
- **#9 Typical on-the-job training needed to attain competency in the occupation** – Bureau of Labor Statistics

## APPENDIX B

### **Guidance for FUTURE WIOA Eligible Training Provider Criteria WIOA Section 122**

*These are the requirements from the Act and the guidance from USDOL for what the final WIOA Eligible Training Provider criteria must be. Future policy will address these criteria.*

**Reference:** WIOA Section 122; USDOL ETA Training and Employment Guidance Letter WIOA No. 41-14

#### **Categories of Initial Eligibility Criteria**

The Governor must require providers seeking initial eligibility under WIOA title I-B to provide verifiable program specific performance information. The State's initial eligibility criteria must require applicant providers to, at a minimum:

- Describe each program of training services to be offered;
- Provide information addressing a factor related to the indicators of performance, as described in WIOA sec. 116(b)(2)(A)(i)(I)-(IV), which include: unsubsidized employment during the second quarter after exit, unsubsidized employment during the fourth quarter after exit, median earnings, and credentials attainment;
- Provide information concerning whether the provider is in a partnership with business. This could include information about the quality and quantity of employer partnerships;
- Provide other information the Governor may require in order to demonstrate high quality training services, including a program of training services that leads to a recognized post-secondary credential; and,
- Provide information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible.

#### **Categories of Continued Eligibility Criteria**

In establishing criteria for continued eligibility, the Governor must take into account the following factors:

- The performance of providers of training services on the performance accountability measures described in WIOA sec. 116(b)(2)(A)(i)(I)-(IV). The Governor may establish minimum performance standards, and the Department encourages Governors to do so. Until the performance data for each accountability measure is available, the Governor may take into account alternate factors related to performance for that accountability measure. In considering alternate factors related to performance the Governor may set minimal performance criteria, use existing available data, or develop other proxies as appropriate. Once training providers have two years of performance outcomes using the WIOA performance indicators specified in section 116, Governors will be expected to take them into account;

## APPENDIX B

- 231 • Access to training services throughout the State including rural areas and through the use of technology;
- 232 • Information reported to State agencies on Federal and State training programs other than programs within
- 233 WIOA title I-B, including one-stop partner programs;
- 234 • The degree to which training programs relate to in-demand industry sectors and occupations in the State;
- 235 • State licensure requirements of training providers, and licensing status of providers of training services, if
- 236 applicable;
- 237 • The provider's ability to offer industry-recognized certificates and/or credentials;
- 238 • The ability of providers to offer programs that lead to post-secondary credentials;
- 239 • The quality of the program of training services including a program that leads to a recognized post-secondary
- 240 credential;
- 241 • The ability of the providers to provide training services that are physically and programmatically accessible for
- 242 individuals who are employed and individuals with barriers to employment, including individuals with
- 243 disabilities;
- 244 • The timeliness and accuracy of the eligible training provider's performance reports; and,
- 245 • Other factors that the Governor determines are appropriate in order to ensure: the accountability of
- 246 providers; that one-stop centers in the State will meet the needs of local employers and participants; and that
- 247 participants will be given an informed choice among providers. States are responsible for ensuring the quality
- 248 and value of eligible training providers for WIOA program participants. Examples of additional factors that the
- 249 Governor may consider include: the ability of a provider to partner with employers and to provide job
- 250 placement services; the dropout rate of the training provider, and the student loan default rate of the provider.



## APPENDIX C

251 Placeholder for Credential, Measurable Skills Gain and Workforce Preparation Training Services  
252 definitions