

1                                   **Idaho TRANSITION Policy for**  
2                                   **WIOA Eligible Training Providers**  
3                                   **Idaho Eligibility Criteria and Procedures**  
4                                   ***Updated January 13, 2016***  
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7   **References:**

8   WIOA Section 122

9   USDOL ETA Training And Employment Guidance Letter WIOA No. 41-14

10   NPRM 680.400 – 680.530

11   **Introduction:**

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

16   This policy is intended to be a temporary transition policy until such time as criteria meeting the  
17   requirements outlined in WIOA Section 122 are developed. Appendix B delineates the requisite  
18   categories from WIOA Section 122. The Council is open to suggestions on how to define these criteria.

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

20   Subject to meeting federal and state eligibility criteria, WIOA eligible training providers may include:

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

27   U.S. Department of Labor Registered Apprenticeship programs are automatically eligible training  
28   providers under WIOA without regard to federal or state eligibility criteria.

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

30   The Eligible Training Provider List is composed of eligible training programs. Training provider must  
31   meet eligibility standards along with individual programs offered by the provider. A program of training  
32   services is defined as one or more courses or classes, or a structured regimen that directly leads to  
33   employment in an in-demand occupation. The training must lead to a recognized post-secondary

34 credential, secondary school diploma or its equivalent, or demonstrate a measurable skill gain toward  
 35 such a credential or employment. These training services may be delivered in person, on-line, or in a  
 36 blended approach; however, the training provider must provide physical facilities and/or tools to  
 37 provide a high quality experience in meeting instructional and skills assessment needs.

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

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

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

54 **Note:** The Eligible Training Provider List is used only to provide occupational skills training services.  
 55 Basic skills training, “soft” skills training, or other workforce preparation training services do not train  
 56 individuals for a particular occupation.

57 Not considered occupational skills training:

- 58 • Workshops or seminars lasting no longer than three (3) calendar days and offered no more than  
 59 four (4) times per year are not considered occupational skills training
- 60 • Intensive review courses as instruction for test preparation
- 61 • Continuing education courses for those with existing occupational skills
- 62 • Work preparation certificates such as CPR, OSHA, WorkKeys, or Food Handler Certificates

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 64 As part of a WIOA participant’s individualized employment plan, career planners may pay for these  
 65 activities as career services separate from or in addition to occupational skills training.  
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### 67 **Types of Eligibility – WIOA (b)(4), (c)(2)**

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

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

## 75 **Idaho Transition Policy**

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

#### 77 **Initial and Continued Eligibility**

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

- 79 • Provide a certificate of registration or letter of exemption from the Office of the State Board of  
 80 Education or other oversight body such as the Bureau of Occupational Licensing.
- 81 • Provide a copy of the institution's refund policy.
- 82 • Certify compliance with debarment and nondiscrimination policies.
- 83 • Certify compliance with EEO policy.
- 84 • Sign letter of intent to begin collecting required information for programs.

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

- 87 • Program of training leads to a high-growth/high-demand occupation\* with a minimum entry  
 88 wage of \$10/hour.

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90 \*Appendix A provides a list of such high-growth/high-demand occupations based on Idaho labor  
 91 market information.

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93 Note: WIOA participants will be encouraged to select training for an occupation that pays at  
 94 least \$12/hour.

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- 96 • Program of training provides a high quality experience, including leading to a recognized  
 97 postsecondary credential.

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99 High quality training experience may be identified by:

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

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

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

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

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

127 Failure of existing providers to submit the requested information will result in removal from the Eligible  
128 Training Provider List by January 1, 2016.

129 **No notice of termination will be given to those WIA eligible training providers who fail to submit a**  
130 **letter of intent by December 31, 2015.**

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

### 133 **Formal Hearing-Appeal**

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

143 **Idaho Eligible Training Provider List Transition Procedures**  
144 **Beginning October 20, 2015**

145 **Initial Eligibility** – New providers and existing providers with programs of study not already on the Idaho  
146 Eligible Training Provider List may apply for Initial Eligibility.

147 Approval is based on the institution and program criteria outlined above (Idaho Alternate Criteria for  
148 WIOA Transition Initial and Continued Eligibility).

149 Letters of intent and accompanying information\* will be collected until December 31, 2015. Upon  
150 receipt of the signed letter of intent, the Workforce Development Council may approve the institutions  
151 and programs for initial eligibility. After January 1, 2016, institutions will be required to execute a  
152 Memorandum of Understanding with the Idaho Department of Labor and if needed, the Office of the  
153 State Board of Education before the Workforce Development Council may approve the institution's  
154 programs.

155 Initial eligibility will expire 1 year from date of approval.

156 **Continued Eligibility** - Existing WIA Eligible Training Providers may apply for Continued Eligibility if their  
157 program is already on the ETP list: <http://labor.idaho.gov/wia1/allregion.xlsx>.

158 Approval of programs will be subject to the institution and program criteria outlined above (Idaho  
159 Alternate Criteria for WIOA Transition Initial and Continued Eligibility).

160 Letters of intent and accompanying information\* will be due December 21, 2015 for existing WIA ETP  
161 providers to obtain continued eligibility under WIOA. Continued eligibility will be subject to renewal by  
162 January 1, 2017.

163 Existing providers failing to submit requested information will be removed from the ETP list on January  
164 2, 2016.

165 \*Accompanying Information:

- 166 • Certificate of registration or letter of exemption from the Office of the State Board of Education  
167 or other oversight body such as the Bureau of Occupational Licensing.
- 168 • Copy of the institution's refund policy.
- 169 • Signed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- 170 • Signed Certification Regarding Nondiscrimination
- 171 • Signed WIOA Eligible Training Provider Payment Terms Acknowledgement
- 172 • List of programs to accompany the letter of intent.

173 **Public Postsecondary Academic Programs** - Consistent with existing policy, academic programs  
174 provided by Idaho's public colleges and universities will be approved for initial eligibility under WIOA.  
175 These programs will be added to the ETP list upon request of a WIOA career planner from the Idaho  
176 Department of Labor and confirmed by the Idaho State Board of Education.

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178 **Registered Apprenticeships** – U.S. Department of Labor Registered Apprenticeship programs are  
179 automatically placed on the WIOA eligible training provider list upon request from the apprenticeship  
180 sponsor.

181 **Out-of-State Providers** – Out-of-state providers must be on their respective state’s WIOA eligible  
182 training provider list. A reciprocal agreement must be signed with the respective state’s ETP  
183 administrator or appropriate signatory.

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**Idaho Occupations in Demand – 2015**

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***Methodology***

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

195 This list may be found online at:

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

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**Variables Included in Occupations in Demand Analyses:**

- 198 • **#1 Hot Jobs (2014)** – employment abundance and wage levels (Occupational and Employment  
199 Statistics – OES) and employment growth (long-term occupational projections).
- 200 • **#2 Real-Time Job Listing/Vacancy (2015)** indexed to occupational employment data to develop  
201 a proxy for demand and vacancies – Help Wanted On-Line (HWOL). The average of the last  
202 seven months were calculated to adjust for seasonality.
- 203 • **#3 Employer Interviews and Subject Matter Expertise (SME)** from the field
- 204 • **#4 Targeted Industry Cluster** – **T**echnology, **H**ealthcare, **E**nergy and **M**anufacturing
- 205 • **#5 and #6 Entry Level Wages** - mean of the lower third of the population
- 206 • **#7 Typical education needed for entry** – Bureau of Labor Statistics
- 207 • **#8 Work experience in a related occupation** – Bureau of Labor Statistics
- 208 • **#9 Typical on-the-job training needed to attain competency in the occupation** – Bureau of  
209 Labor Statistics

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## 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

- 240 criteria, use existing available data, or develop other proxies as appropriate. Once training providers have two  
241 years of performance outcomes using the WIOA performance indicators specified in section 116, Governors will  
242 be expected to take them into account;
- 243 • Access to training services throughout the State including rural areas and through the use of technology;
  - 244 • Information reported to State agencies on Federal and State training programs other than programs within  
245 WIOA title I-B, including one-stop partner programs;
  - 246 • The degree to which training programs relate to in-demand industry sectors and occupations in the State;
  - 247 • State licensure requirements of training providers, and licensing status of providers of training services, if  
248 applicable;
  - 249 • The provider's ability to offer industry-recognized certificates and/or credentials;
  - 250 • The ability of providers to offer programs that lead to post-secondary credentials;
  - 251 • The quality of the program of training services including a program that leads to a recognized post-secondary  
252 credential;
  - 253 • The ability of the providers to provide training services that are physically and programmatically accessible for  
254 individuals who are employed and individuals with barriers to employment, including individuals with  
255 disabilities;
  - 256 • The timeliness and accuracy of the eligible training provider's performance reports; and,
  - 257 • Other factors that the Governor determines are appropriate in order to ensure: the accountability of  
258 providers; that one-stop centers in the State will meet the needs of local employers and participants; and that  
259 participants will be given an informed choice among providers. States are responsible for ensuring the quality  
260 and value of eligible training providers for WIOA program participants. Examples of additional factors that the  
261 Governor may consider include: the ability of a provider to partner with employers and to provide job  
262 placement services; the dropout rate of the training provider, and the student loan default rate of the provider.
  - 263