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Idaho Policy for WIOA Eligible Training Providers Idaho Eligibility Criteria and Procedures *Adopted XXXX XX, 2018*

7 **References:**

8 WIOA Section 122

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

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

11 20 CFR §§ 680.400 – 680.530

12 Idaho WIOA Transition ETPL Policy January 13, 2016

13 **Introduction:**

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

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

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

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

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

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

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

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

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

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

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

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

60 Not considered occupational skills training:

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

67
68 As part of a WIOA participant’s individualized employment plan, career planners may pay for these
69 activities as career services separate from or in addition to occupational skills training.

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

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

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

78 **Idaho Transition Policy**

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

80 **Initial Eligibility**

81 ***Institution Criteria:***

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

91 ***Program Criteria:***

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

95
96 Note: Appendix A is updated annually in July by the Workforce Development Policy Committee
97 of the Idaho Workforce Development Council.

- 98
99 • Program of training provides a high-quality experience, including leading to a recognized
100 postsecondary credential or demonstrate a measurable skills gain toward such a credential or
101 employment.

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

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

106 High quality training experience may be identified by:

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

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115 Exceptions

- 116 ○ U.S. Department of Labor Registered Apprenticeship (RA) Programs - Upon request from
- 117 the RA program sponsor, programs are automatically placed on the Eligible Training
- 118 Provider list. RA programs are encouraged to comply with the requirements in this
- 119 policy, especially providing information for performance reporting; however, they are
- 120 not required to do so.

- 121 ○ Public Postsecondary Academic Programs - Academic programs provided by Idaho's
- 122 public colleges and universities will be approved for initial eligibility under WIOA.
- 123 These programs will be added to the ETP list upon request of a WIOA career planner
- 124 from the Idaho Department of Labor and confirmed by the Idaho State Board of
- 125 Education.

- 126
- 127 ○ Out-of-State Providers – Out-of-state providers must be on their respective state's
- 128 WIOA eligible training provider list. A reciprocal agreement must be signed with the
- 129 respective state's ETP administrator or appropriate signatory.

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

131 **Continued Eligibility**

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

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

139 Registered Apprenticeship (RA) programs are not subject to Continued Eligibility and will continue to

140 remain on the Eligible Training Provider list until the sponsor requests to be removed. RA programs are

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

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

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

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

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

164 **Formal Hearing-Appeal**

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

APPENDIX A

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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