

Idaho Policy for WIOA Eligible Training Providers Idaho Eligibility Criteria and Procedures Adopted XX-XX-XXXX

References:

WIOA Section 122

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

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

20 CFR §§ 680.400 – 680.530

Idaho WIOA Transition ETPL Policy January 13, 2016 (replaced on July 18, 2018)

Idaho Policy for WIOA Eligible Training Providers Idaho Eligibility Criteria and Procedures July 18, 2018
(replaced on XX-XX-XXXX)

Introduction:

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). The Idaho Department of Labor (as the State Administrative Entity under WIOA) is responsible for implementing this policy and maintaining the ETPL.

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

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

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

- 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.

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

Eligible Programs of Training Services – Adapted from TEGL 41-4

The Eligible Training Provider List is composed of eligible training programs. Both training providers and their individual programs must meet eligibility standards. 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 postsecondary credential,
- a 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 activities (see Appendix C for definitions and examples) do not train individuals for a particular occupation. Additionally, the following are 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
- Short term certificates that are only one component of the typical requirements for a job such as CPR, OSHA, WorkKeys, Food Handler Certificates, and basic computer training.

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.

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://www.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.

Note: WIOA participants will be encouraged to select high quality training that leads to an industry- recognized postsecondary credential and is available free of charge or at low cost to participants.

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 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.

Programs that were exempt from Initial Eligibility criteria:

- US Department of Labor 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.
- Public Postsecondary Academic Programs will be removed from the Eligible Training Provider list if a WIOA participant has not been enrolled in the training in the past 12 months. These programs can be added back to the list per the Initial Eligibility criteria above on an as-needed basis.
- Out-of-State Providers will be independently verified against the respective state's ETP list.

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 directly leads to employment in an in-demand occupation. The training must lead to:
 - a recognized postsecondary credential,
 - a secondary school diploma or its equivalent, or
 - demonstrate 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

A training provider whose program is denied from the ETP or is deemed ineligible, has the option to submit a written or email appeal to Idaho Department of Labor within 14 business days after receiving notification. The request for appeal must include the following: name of training provider, training program(s) impacted, the reason for the appeal (i.e. grounds), training provider point of contact phone and email, and signature of training provider representative.

Written appeals can be mailed to:

Appeals Bureau, Idaho Department of Labor
317 W. Main Street
Boise, ID 83705-0720

Or Faxed to:

208-334-6440

Appeals can also be emailed to:

WIOAETP@labor.idaho.gov

Regardless of delivery method, the appeal must be postmarked or sent by 5pm on the last day to protest.

As a result of filing an appeal, a telephone hearing may be scheduled in which all interested parties will be invited to participate. The hearing shall include an opportunity for the applicant to submit written and verbal information to the presiding entity. This will be your only opportunity to appeal this issue. If no appeal is filed, this determination will become final and cannot be changed. If you have questions about this determination or about filing an appeal, please contact the ETP Program Specialist by email at WIOAETP@labor.idaho.gov.

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

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

Methodology

The Idaho Department of Labor's labor market information unit has developed a dynamic web tool that ranks Idaho's occupations in demand. The methodology uses quantifiable information to comprise the list and is augmented with projected growth and total annual openings, entry level wage information and education and training requirements. The list can be filtered by sub-region of the state, typical education requirement and STEM and/or industry designation.

This list may be found online at: <https://lmi.idaho.gov/Occupations-In-Demand>

To be included on the Eligible Training Provider List, programs of training must lead to one or more of the occupations when the following filters have been applied:


1. The tab must be set to "In-Demand Occupations".
2. The "Top N Hot Jobs" must be set to 150.
3. The "Area Selection" should be set to region where the training is being provided.
4. The "Typical Education Requirement" should be set such that Bachelor's degree, Doctoral or professional degree and Master's degree are not selected.
5. The "Median Hourly" wage must be greater than \$10 per hour.

The screenshot shows the 'In-Demand Occupations' web tool interface. Callout 1 points to the 'In-Demand Occupations' tab. Callout 2 points to the 'Top N Hot Jobs' dropdown set to 100. Callout 3 points to the 'Area Selection' dropdown with 'Idaho' selected. Callout 4 points to the 'Typical Education Requirement' checkboxes, where 'None', 'Associate's degree', 'Bachelor's degree', 'Doctoral or professional degree', 'High school diploma or equivalent', 'Master's degree', 'No formal educational credential', 'Postsecondary nondegree award', and 'Some college, no degree' are checked. Callout 5 points to the 'Hourly Median Wage' column in the table.

Hot Job Rank	Typical Education Requirement	SOC Code	Title	Hourly Median Wage	Annual Median Wage	Projected Growth Rate	Projected Growth	Annual Exits	Annual Transfers	Annual Change	Total Annual Openings
1	Bachelor's degree	29-1141	Registered Nurses	\$29.90	\$62,190	29.3%	3,865	433	328	386	1,147
2	Bachelor's degree	15-1132	Software Developers, Applicat..	\$38.15	\$79,360	30.2%	612	32	115	61	208
3	Master's degree	29-1171	Nurse Practitioners	\$46.19	\$96,080	35.1%	231	15	22	23	60
4	Master's degree	29-1071	Physician Assistants	\$45.22	\$94,050	32.8%	202	12	25	20	57
5	Bachelor's degree	15-1122	Information Security Analysts	\$41.95	\$87,260	30.3%	156	11	29	16	56
6	High school diploma or equivalent	49-9041	Industrial Machinery Mechanics	\$24.58	\$51,120	23.2%	551	90	137	55	282
7	Bachelor's degree	13-1161	Market Research Analysts and	\$24.23	\$50,400	27.7%	390	42	110	39	191
8	Doctoral or professional degree	29-1051	Pharmacists	\$56.85	\$118,250	16.7%	261	39	33	26	98
9	Doctoral or professional degree	29-1123	Physical Therapists	\$36.75	\$76,430	26.3%	233	19	21	23	63
10	Bachelor's degree	13-2072	Loan Officers	\$26.13	\$54,350	20.3%	563	74	170	56	300
11	Associate's degree	29-1126	Respiratory Therapists	\$26.48	\$55,070	51.2%	309	18	17	31	66
12	Master's degree	21-1022	Healthcare Social Workers	\$25.65	\$53,360	25.4%	152	24	43	15	82
13	Bachelor's degree	17-1112	Industrial Engineers	\$43.41	\$90,290	15.4%	171	27	49	17	93
14	Master's degree	29-1122	Occupational Therapists	\$35.71	\$74,280	25.4%	108	10	13	11	34

The following "career pathway" programs are approved statewide regardless of where they appear on the regional lists:

- Certified Nurse Assistant
- Related training for Electrical, Plumbing and HVAC apprenticeship programs



APPENDIX B

Guidance for Future WIOA Eligible Training Provider Criteria

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


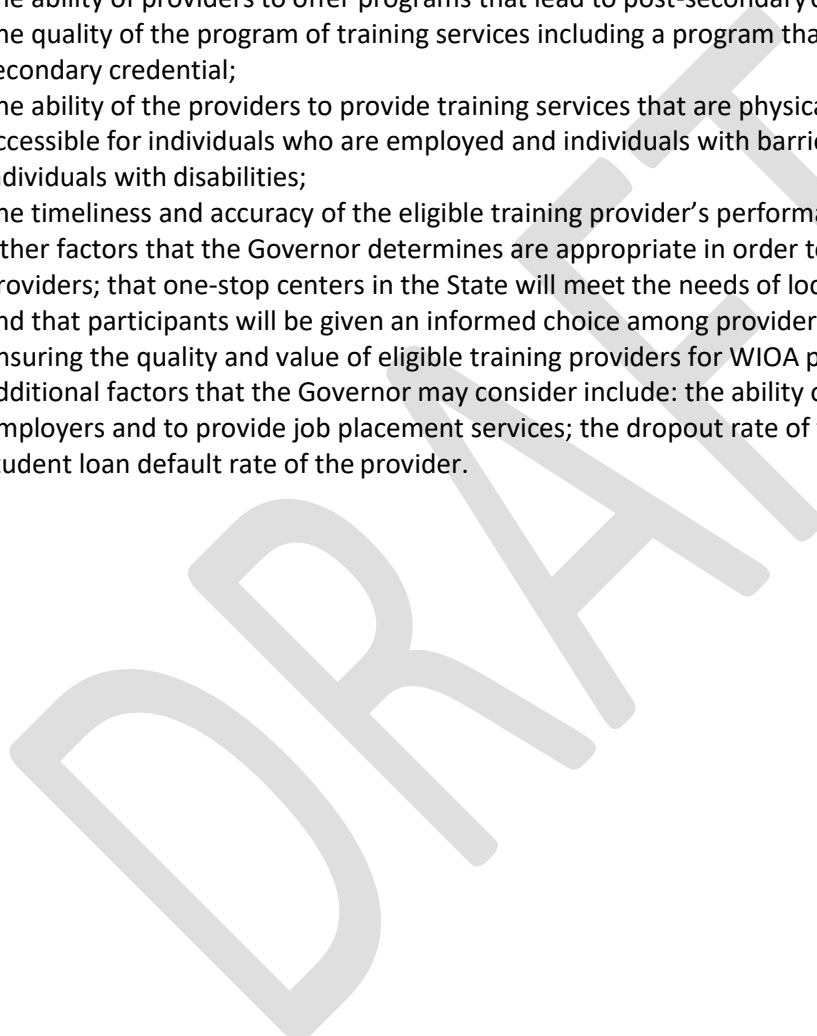
The Governor must require providers seeking initial eligibility under WIOA title I-B to provide verifiable program specific performance information. The State's initial eligibility criteria must require applicant providers to, at a minimum:

- 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;

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

Additional Guidance on Occupational Skills Training, Recognized Postsecondary Credential, Measurable Skills Gain, and Workforce Preparation Training Services

Occupational Skills Training

The Eligible Training Provider List is developed to support customer choice for occupational skills training. Occupational Skills Training (OST) is defined as training conducted in a classroom or online setting using curriculum designed to meet the technical needs of the workplace. Occupational Skills Training classes are categorized as Training Services under WIOA.

OST provides WIOA participants with the technical skills necessary to perform a specific job or group of jobs. The duration of OST activities varies based on many factors, however the following considerations will be applied to each participant:

Basic Requirements

- Training is approved on the ETP list,
- Reasonable expectation of self-sufficient employment upon completion of training,
- The coursework can be completed in a reasonable time period,
- The coursework is required for entry into a specific occupation,
- There are no other viable options for services or training that will lead the participant to self-sufficient employment, and
- The costs of training are feasible within the financial resources of the service provider budget.

Occupational Skills Training is provided through Individual Training Accounts. Individual Training Accounts (ITAs) provide traditional classroom or online training services to eligible participants through the Workforce Innovation and Opportunity Act (WIOA). Training services are available as funding permits and are reserved for eligible WIOA Title I Adult, Dislocated Workers (DW) and Out-of-School Youth participants. Eligible participants who are interested in training may access training services such as Individual Training Accounts (ITAs) and Apprenticeship Training Accounts (ATAs) through training providers who have met eligibility requirements set by the state of Idaho.

Occupational Skills Training must lead to one or more of the following:

- a) A recognized postsecondary credential;
- b) A secondary school diploma or its equivalent;
- c) Employment; or
- d) Measurable skills gains toward a credential described in bullets (a) or (b) of this section or employment.

Recognized Postsecondary Credential

A recognized postsecondary credential “means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.” A postsecondary credential is recognition of an individual’s attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. Generally, these technical or occupational

Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

A variety of different public and private entities issue recognized postsecondary credentials. Below is a list of the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential).

- A State educational agency or a State agency responsible for administering vocational and technical education within a State;
- An institution of higher education described in Section 102 of the Higher Education Act of 1965 (20 USC sec. 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;
- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- ETA's Office of Apprenticeship or a recognized State Apprenticeship Agency;
- A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a State-licensed asbestos inspector);
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons; or
- Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

Types of Acceptable Credentials in the State of Idaho: The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary School diploma or recognized equivalent
- Associate degree
- Bachelor degree
- Graduate degree for purposes of the VR program
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
 - This includes the certificates awarded under the postsecondary affairs section of the Idaho State Board of Education Governing Policies and Procedures (Section III.E.)

- Occupational certification
 - This includes any of the licenses/registries required under Idaho Code. A current list can be found at <http://www.idaho.gov/business/professional-licenses/>
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.
 - This includes SkillStack badges awarded by eligible educational institutions as approved by Idaho Career & Technical Education. The badge(s) must be aligned to an in-demand occupation.

Measurable Skills Gain

Measurable skills gain is defined as documented academic, technical, occupational, or other forms of progress, towards a credential or employment. Depending upon the type of education or training program, documented progress is defined as one of the following:

- Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
- Documented attainment of a secondary school diploma or its recognized equivalent;
- Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;
- Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
- Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

Examples:

- A participant is enrolled in a 4-year registered apprenticeship program: the measurable skill gains indicator tracks the skills the participant gains throughout the reporting period, not just at the end of the 4-year training program.
- For low-skilled adult participants of an adult education program, the measurable skill gains indicator provides an opportunity to track and report gains in reading, writing, mathematics, and English proficiency.

Basic Skills and Workforce Preparation Training

Note – basic skills and workforce preparation activities do not train individuals for a particular occupation and are not included on the Eligible Training Provider List.

Basic skills/workforce preparation activities include the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training. These types of activities are provided as individualized career services through the one-stop system.