



**DISTRICT OF COLUMBIA  
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)  
WORKFORCE IMPLEMENTATION GUIDANCE LETTER (WIGL)**

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**POLICY & GUIDANCE**    **INFORMATION & UPDATES**

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**DATE:** April 20, 2023

**NO:** DC-WIGL-2017-010-NewWIOAETPLApplicationProcess-R-1

**TO:** LOCAL WORKFORCE DEVELOPMENT SYSTEM STAKEHOLDERS  
AMERICAN JOB CENTERS  
ONE-STOP OPERATOR  
WIOA YOUTH SERVICE PROVIDERS  
WIOA ELIGIBLE TRAINING PROVIDERS  
DEPARTMENT OF EMPLOYMENT SERVICES (DOES)  
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION (OSSE)  
DEPARTMENT ON DISABILITY SERVICES (DDS)  
DEPARTMENT OF HUMAN SERVICES (DHS)  
UNIVERSITY OF THE DISTRICT OF COLUMBIA COMMUNITY COLLEGE  
(UDC-CC)

**FROM:** Ahnna Smith   
Executive Director, Workforce Investment Council (DC WIC)

**SUBJECT:** DISTRICT OF COLUMBIA WIOA ELIGIBLE TRAINING PROVIDER POLICY

**PURPOSE:**

To establish the requirements and procedures for initial and continued eligibility determinations for training providers, including policies relating to appeals.

**REFERENCES:**

WIOA Section 122; 20 CFR §680.200-680.230; 20 CFR §680.410 20; CFR §680.420 20; CFR §680.430 20; 20 CFR §680.450; 20 CFR §680.460; 20 CFR §680.480; U.S. Department of Labor Training and Employment Guidance Letter (TEGL) 10-16, Change 2; DC Law 20-263; all policy guidance to be housed at [dcworks.dc.gov](http://dcworks.dc.gov).

**BACKGROUND:**

Under the Workforce Innovation and Opportunity Act (WIOA), training is provided to eligible adults and dislocated workers through the Eligible Training Provider List (ETPL), comprised of entities with



demonstrated capability to train individuals to enter quality employment.<sup>1</sup> The DC WIC is responsible for establishing and ensuring that programs meet ETPL eligibility criteria and performance requirements and ensuring the success of the ETPL in collaboration with other partners, such as the Higher Education Licensing Commission (HELIC) and the DC Department of Employment Services (DOES).

This policy outlines the DC WIC policies and procedures for approving and evaluating eligible training providers and programs, including eligibility criteria, performance measures, and data reporting requirements, to ensure the following:

1. WIOA participants have a sufficient number and types of training providers and programs to maximize customer choice;
2. ETPL processes and procedures are streamlined to reduce the burden on training providers and to enhance accountability, maintain the quality and integrity of training services, and promote continuous improvement; and
3. Training providers are enrolling and serving WIOA program participants in a nondiscriminatory way.

### **ELIGIBLE TRAINING PROVIDERS**

In accordance with 20 CFR 680.410, to become an ETP, an applicant must be one of the following:

1. An institution of higher education that provides a program that leads to a post-secondary credential;
2. An entity that carries out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.); or
3. Other public or private providers of a training program, which may include community-based organizations, joint-labor organizations, and eligible providers of adult education and literacy activities under WIOA Title II, if such activities are provided in combination with training services described at 20 CFR 680.350.

### **ELIGIBLE TRAINING PROGRAMS**

According to 20 CFR 680.420, a “program of training services” is defined as one or more courses or classes or a structured regimen that, upon successful completion, leads to an industry-recognized post-secondary credential, secondary school diploma, or its equivalent; employment; or measurable skill gains toward such a credential or employment. Training programs may be delivered as stackable services and may be provided in person, online, or in a blended approach. The list is not all-inclusive; consistent with 20 CFR 680.200, additional training services may be included on the ETPL, such as non-credentialed training, including incumbent worker training, work-based learning opportunities, or single courses that fall within a career pathway, or a course of three days or less, if the course leads to one of the outcomes described above.

### **INITIAL ELIGIBILITY APPLICATION PROCESS**

Training providers applying for initial program eligibility must:

1. Must first apply and receive a Certificate of Approval from the Higher Education and Licenses Commission (HELIC) using the online information and [application form](#).
2. Complete and submit an online [ETPL application](#) to the DC WIC.

Once the application has been received, the DC WIC will confirm the application receipt in writing.

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<sup>1</sup> WIOA’s requirements regarding the ETPL pertain to WIOA Title I, Subtitle B funds only. Core programs and partners other than the WIOA Title I programs are not required to use the ETPL.

## INITIAL ELIGIBILITY REQUIREMENTS

1. **Requirements.** An applicant seeking to be certified as an ETP in the District of Columbia must provide all of the following:
  - a. Information about the provider and each proposed training program;
  - b. Evidence of program accreditation and/or provider educational license with appropriate state or governing entity;
  - c. Information identifying the industry-recognized post-secondary credential received by program completers;
  - d. A description of the training program's relationship or partnership with industry-related employers;
  - e. Information demonstrating alignment of the training program with the [DC High Demand Sectors and Occupations List](#);
  - f. Information on program cost per participant, including course catalog or brochures demonstrating that all program-related costs are standard rates charged to the public;
  - g. A copy of the provider's WIOA Section 188 equal opportunity, refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies;
  - h. Current proof of commercial liability insurance coverage;
  - i. A description of training facilities and equipment to be utilized for each program, including evidence that such training facilities and equipment are safe, accessible by public transportation, and ADA compliant to provide an environment conducive to student achievement;
  - j. Performance information for the most recent twelve (12) month period for all programs included in the application including the:
    - i. Percentage of all individuals who complete the program;
    - ii. Percentage of all individuals who obtain unsubsidized employment after program exit;
    - iii. Hourly wage rate at the time of employment; and
    - iv. Percentage of program completers who attained a post-secondary credential; and secondary school diploma, or equivalent during program participation or within 1 (one) year after program completion;
  - k. Any additional information requested by the DC WIC.
2. **Determinations.** The DC WIC staff will review the application for completion within thirty (30) calendar days of receipt.
  - a. **Incomplete applications.** If an application is determined to be incomplete, the DC WIC shall notify an applicant and the applicant shall submit a completed application within ten (10) business days of the notice. If an applicant fails to submit all required information or materials within the ten (10)-day period, the DC WIC shall deny the application, and the applicant must wait thirty (30) calendar days before submitting a new application.
  - b. **Completed applications.** Completed applications are submitted to the Education and Workforce Alignment Committee of the Workforce Investment Council for approval or denial. An initial eligibility determination will be decided for each training provider on a program-to-program basis and be based on the following criteria:
    - i. The ability of the provider to offer education and/or training programs, necessary resources, and services to support student success, demonstrated by past program performance data;
    - ii. The degree to which the program relates to in-demand industry sectors and occupations within the District;
    - iii. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials; and
    - iv. The degree to which program completion is directly connected to related industry employment.

3. Approval of Initial Eligibility Application. A decision letter will be sent to the provider within five (5) business days of the Education and Workforce Alignment (EWA) committee review. Providers approved by the EWA Committee will be included on the District of Columbia's ETPL. Providers approved by the EWA Committee must apply with the Office of Contract and Procurement to obtain a Human Care Agreement (HCA) to provide ITA for the Department of Employment Services.
4. Denial of Initial Eligibility Application. If the DC WIC denies a provider's initial eligibility application, the DC WIC must, within 30 days of receipt of the application, inform the provider in writing, including the reason(s) for the denial and how to appeal the determination. A training provider and/or its program(s) may be denied inclusion on the ETPL for the following reasons:
  - a. The applicant fails to meet the minimum criteria for initial eligibility as specified in this policy.
  - b. The initial eligibility application is not complete.
  - c. The applicant intentionally supplied inaccurate information. Penalties are described in WIOA Sec. 122(f)(1)(A) and subparagraph (C).
5. Period of Eligibility. New providers will be continually added to the eligible training list as they become eligible. Initial eligibility remains in effect for one (1) year from the initial eligibility determination date.

#### **CONTINUED ELIGIBILITY APPLICATION PROCESS**

1. The DC WIC will send the continued eligibility application to all ETPs with the annual report notification and template sixty (60) days prior to the expiration of provider's eligibility.
2. ETPs must submit the continued eligibility application for each of their programs on the ETPL no later than thirty (30) days prior to the expiration of provider's eligibility.
3. Once the application has been received, the DC WIC will confirm the application receipt in writing.

#### **CONTINUED ELIGIBILITY REQUIREMENTS**

1. Requirements. ETPs seeking continued eligibility must provide the following to the DC WIC on an annual basis, thirty (30) days prior to the expiration of provider's eligibility:
  - a. Information on any additions or modifications to programs and services offered including course summary, breakdown of costs, credentials to be attained, and class schedule;
  - b. Currently published course catalog with student cost information;
  - c. Student roster information for all program participants for each approved program (this information can be provided to the DC WIC on a quarterly basis);
  - d. A current academic calendar;
  - e. Current copies of the provider's WIOA Section 188 equal opportunity, refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies, if changes have occurred since the initial eligibility period;
  - f. Current proof of commercial liability insurance coverage;
  - g. Most recent program accreditation and/or provider educational license;
  - h. Updated information pertaining to the alignment of the training program with the [DC High Demand Sectors and Occupations List](#);
  - i. Performance Data Report for each approved training program that includes data on all program participants both WIOA Title 1-B programs and Non-WIOA enrolled that includes the Social Security Number for each participant. The report must include the following information (on a quarterly basis as described below):
    - i. Total students served;
    - ii. Total students exited;
    - iii. The percentage of students that completed;

- iv. The percentage of students obtaining a credential within 6 months of completion;
  - v. The percentage of students in unsubsidized employment second quarter after exit;
  - vi. The percentage of students in unsubsidized employment fourth quarter after exit; and
  - vii. Median hourly wage at placement.
  - j. Any additional information required by the DC WIC.
2. Determinations. The DC WIC staff will review all applications and make a determination on continued eligibility within thirty (30) calendar days of receiving all required information. The DC WIC will notify an applicant if an application is determined to be incomplete and will keep such application open until the expiration of the provider's ETPL eligibility. If a provider fails to submit all required information or materials before the expiration of provider's eligibility, the DC WIC will deny subsequent eligibility, and the provider must reapply under the terms of initial eligibility. A continued eligibility determination will be decided for each training provider on a program-to-program basis and be based on the following criteria:
    - a. The ability of the program to offer education and/or training programs, necessary resources, and services to support student success;
    - b. The degree to which the program relates to in-demand industry sectors and occupations within the District;
    - c. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;
    - d. The degree to which program completion is directly connected to related industry employment; and
    - e. The ability to meet minimum performance measures described in Attachment A.
  3. Approval of Continued Eligibility Application. After the review, a continuation determination letter will be sent to the provider within five business days of the determination.
  4. Denial of Continued Eligibility Application. A training provider and/or its program(s) may be denied inclusion on the ETPL for the following reasons:
    - a. The applicant fails to meet the minimum criteria for initial eligibility as specified in this policy;
    - b. The initial eligibility application is not complete; or
    - c. The applicant intentionally supplied inaccurate information. Penalties are described in WIOA Sec. 122(f)(1)(A) and subparagraph (C).
  5. Period of Eligibility. Continued eligibility remains in effect for one (1) year from the initial eligibility determination date.

## **ELIGIBILITY EXEMPTIONS**

All adult and dislocated worker training must be provided through the ETPL with the exception of:

1. Registered Apprenticeship Programs. Under WIOA section 122(a)(3), registered apprenticeship programs with the District's Office of Apprenticeship Information and Training (OAIT) are not subject to the Eligible Training Provider List requirements and, therefore, not required to submit performance data or undergo review for the initial or continuing eligibility determination. The Department of Employment Services Office of Apprenticeship Information and Training (OAIT) notifies registered apprenticeship programs of their eligibility to be on the District's ETPL. Registered Apprenticeship programs will be included and remain on the list as long as the program is registered with OAIT or until the program sponsor notifies OAIT that it no longer wants to be included on District's ETPL.
2. On-the-Job Training, Customized Training, Incumbent Worker Training, and Other Training Exceptions. Pursuant to WIOA section 122(h), providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional employment, as those terms are defined by WIOA, are not subject

to the Eligible Training Provider List requirements and therefore not required to undergo review for the initial or continuing eligibility determination, but are required to provide performance information established by the Mayor.

3. In-Demand Industry Sectors and Occupations. A training program that does not directly align with the [DC High Demand Sectors and Occupations List](#) will be eligible for consideration if:
  - a. There is written verification from an employer that an employment offer is contingent upon completion of the said training program; or
  - b. If the training provider submits a letter of support from at least two relevant employers certifying that the proposed training is well aligned with their projected hiring needs in the occupation(s) specified within the next year; or
  - c. If the provider submits [Onet online](#) labor market data demonstrating that at least fifty (50) job openings within the target occupation(s) are projected within the DC Metro area, including Maryland and Virginia, during the current or subsequent year and that the occupation(s) specified have a median wage that is equal or greater than the District's current Living Wage, as determined by the Department of Employment Services pursuant to the [Living Wage Act of 2006](#).
4. Additional Exemptions. Pursuant to WIOA Section 134(c)(3)(G)(ii), training providers will not be subject to eligibility criteria if the DC WIC determines that:
  - a. There are an insufficient number of providers;
  - b. There is a training program with demonstrated effectiveness offered by a provider that serves individuals with barriers to employment, as defined in WIOA Section 3(24);
  - c. An institution of higher education, or another training provider, can facilitate the training of multiple individuals in a high-demand sector or occupation, and this training does not limit customer choice; or
  - d. The provider is contracted for services through a pay-for-performance contract instead of an ITA.
5. Reciprocity. An individual may choose a training provider or program physically located outside of the District, provided that the training program is on the District's ETPL. Training Providers physically located outside of the District of Columbia may be added to the District's ETPL and provide services to District residents if:
  - a. The eligibility requirements from the other jurisdiction align with the District's requirements;
  - b. The provider can present a letter from the local workforce board stating that the provider is active and in good standing on its ETPL;
  - c. The provider has provided evidence of licensure through another jurisdiction's higher education licensing organization to and received a waiver from HELC; and
  - d. The provider has been awarded a Human Care Agreement by the Office of Contracting and Procurement, on behalf of DOES.

## **PROGRAM MODIFICATIONS**

1. Current Programs. An ETP seeking to make modifications to an approved program shall submit a written request to the DC WIC describing the proposed modifications and the purpose for such modifications. Upon receipt of the request, the DC WIC shall approve or deny such modifications within ten (10) business days.
2. Additional Programs. An ETP seeking to add new programs to an approved application for initial or continued eligibility shall submit a written request to the DC WIC that includes all information listed in this policy under Initial Eligibility for each additional program. Upon

receipt of the request, the DC WIC shall approve or deny additional programs within thirty (30) days.

### **NONDISCRIMINATION AND EQUAL OPPORTUNITY**

All ETPs are subject to the equal opportunity and nondiscrimination requirements set forth in WIOA Section 188 and 29 CFR Part 38 to ensure that all individuals have equal opportunity and access to services and facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or veteran status.

### **PERFORMANCE REQUIREMENTS**

ETP required performance measures are described in Attachment A.

### **QUARTERLY PERFORMANCE REPORTING**

The DC WIC requires ETPL programs (except exempt programs) to report on performance on a quarterly basis. The DC WIC will provide instructions for submitting the performance data report and a reporting template ten (10) business days prior to the end of every quarter. Performance data reports are due to the DC WIC quarterly no later than July 10, November 10, January 10, and April 10. The DC WIC will use the data to develop and submit the District's annual ETPL report required by US DOL.

### **FAILURE TO MEET PERFORMANCE REQUIREMENTS**

If an ETP fails to meet required annual performance levels for one or more of the WIOA's performance indicators but has either a) met or exceeded performance levels for two or more of the performance indicators, they shall be placed on probationary status. The DC WIC may approve an application for subsequent eligibility for an ETP on probationary status for one (1) year if the eligible training provider enters into a performance improvement plan that describes how the provider will meet or exceed performance levels for the subsequent year.

If an eligible training provider on probationary status fails to meet or exceed annual performance levels for each of the five performance indicators during the subsequent year, they will be removed from the District's ETPL and will be ineligible to apply for the ETPL for a period of one (1) year.

### **REMOVAL OF PROVIDER OR PROGRAM FROM THE ETPL**

A training provider and/or its program(s) may be removed from the ETPL by written notice.

1. Removal by the DC WIC. Prior to removal, the DC WIC must inform the provider in writing, with at least ten business days of notice, that it will be removed from the ETPL and must share information with the provider on how to appeal the decision. A provider who is terminated must be terminated for a minimum of one year. if:
  - a. The training provider fails to meet the minimum criteria for continued eligibility as specified in this policy;
  - b. The training provider fails to submit the performance data report required for continued eligibility;
  - c. It is determined that the training provider intentionally supplied inaccurate information;
  - d. It is determined that the training provider substantially violated any requirement under WIOA. Penalties, as described in WIOA Sec. 122(f)(1)(B) and (C), include but are not limited to, removal from ETPL for a two (2) year period, possible repayment of funds issued to the provider, and civil and or criminal liability.
  - e. The training provider or program loses its educational license or accreditation;
  - f. The training provider or program fails to meet the minimum levels of performance described in Attachment A.
  - g. The training provider fails to notify the DC WIC of any program changes including, but not

- limited to, costs or location of training; or
  - h. It is determined the training provider is not eligible to do business with the District of Columbia.
  - i. The DC WIC may remove a program at its discretion.
2. Removal by an ETP. An ETP may submit a written request to the DC WIC to remove its program from the ETPL.

## **APPEALS**

An applicant may appeal a decision within thirty (30) days of the decision. The appeal must be in writing and include a statement of the desire to appeal, the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate ETP official. Appeals may be sent to: [dcworks@dc.gov](mailto:dcworks@dc.gov). The EWA Committee will review the appeal and notify applicant of its final decision within thirty (30) days. In the event that the applicant is not satisfied with the EWA Committee final decision, the applicant may request a review by the DC WIC Executive Committee, in which case the DC WIC staff shall schedule a hearing to be held at the next quarterly meeting of the Executive Committee. Both the applicant and the EWA Committee shall have the opportunity to request documents relevant to the issues(s), to present oral and written arguments, and to call and question witnesses.

## **DISTRIBUTION OF ETPL INFORMATION**

The ability of WIOA customers to make informed decisions about training programs depends on their ability to access accurate and comprehensive information. 20 CFR 680.340 requires the DC WIC, through the one-stop center, to make the ETPL information, available to the public in a way that is easily understood. At a minimum, such information must include a description of the training programs, program performance, and cost information to assist participants in choosing training programs and services. Unless a program has exhausted training funds for the program year, the one-stop center must refer an individual to their selected provider and establish an Individual Training Account to pay for training.<sup>2</sup>

The DC WIC will develop and maintain ETPL information, including a current list of eligible training providers, and make it available on the [DC WIC Website](#). In accordance with WIOA Section 188, the related Final Rules and 29 CFR Part 38, the ETPL information must be distributed in formats that are accessible to individuals with disabilities.

USDOL distributes ETPL information through the website [TrainingProviderResults.gov](http://TrainingProviderResults.gov), which is searchable by career group and location. Their website includes program performance data, from the annual reports.

## **ACTION REQUESTED:**

Effective after submission to the DC Council and a ten (10)-day period of review, excluding days of Council recess, per DC Law 20-263. If the Council does not approve or disapprove this policy within the ten (10)-day period of review, it shall be deemed approved. Please distribute this WIGL to appropriate administrators, provider staff, subgrantees, and other individuals with program responsibility and oversight.

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<sup>2</sup> An ETP is the only type of entity that receives funding for training services through an ITA. This means that if an entity is not on the District's ETPL, the entity cannot receive ITA funds for training services. Per DC Law 20-263, effective January 1, 2016, no ETP shall be eligible to receive funding for more than five (5) ITAs in a calendar year unless at least 50% of the students participating in the entity's training programs are funded by sources other than ITAs. The DC WIC ITA policies may be found [here](#) and [here](#).



**ATTACHMENTS:**

Attachment A: [ETPL Performance Requirements](#)

Attachment B: [ETPL Application](#)

**INQUIRIES:**

Inquiries regarding this guidance should be directed to [dcworks@dc.gov](mailto:dcworks@dc.gov).

**EXPIRATION:**

DC-WIGL-2017-010-NewWIOAETPLApplicationProcess (Dated April 20, 2017)