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

☒POLICY & GUIDANCE **☐ INFORMATION & UPDATES**

DATE: March 28, 2022

NO: DC-WIGL-2022-010-R1-WIOA ELIGIBLE TRAINING PROVIDER POLICY

TO: LOCAL WORKFORCE DEVELOPMENT SYSTEM STAKEHOLDERS
AMERICAN JOB CENTERS
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: Executive Director, Workforce Investment Council (DCWIC)

SUBJECT: WIOA ELIGIBLE TRAINING PROVIDER POLICY

PURPOSE: **To provide information to Training Providers interested in being on the Eligible Training Provider List (ETPL).**

REFERENCES:
Title I-B of the Workforce Innovation and Opportunity Act of 2014 (WIOA) Section 122 and 20 CFR Subpart B, 680.200-680.230. All policy guidance to be housed at http://dcworks.dc.gov.

DEFINITIONS:
The Mayor of the District of Columbia performs duties assigned to the Governor and the Chief Elected Official under WIOA.

The DC Workforce Investment Council (DCWIC) performs all duties and tasks assigned to the State Workforce Development Board and to the Local Workforce Development Board under WIOA.

The Department of Employment Services (DOES) is the WIOA fiscal agent for the District of Columbia, delivers WIOA Title I adult and dislocated worker services and both delivers and procures WIOA Title I youth services.

An Eligible Training Provider (ETP) is an institution of higher education that provides a program that leads to a post-secondary credential; an entity that carries out programs registered with the District's Office of Apprenticeship Information and Training; or another public, private, or community-based provider of program of training services.

The Economic and Workforce Alignment Committee (EWA) is the DCWIC Board subcommittee that handles that approval process for potential ETPs to be added onto the ETPL.

The Higher Education Licensure Commission (HELC) is the District of Columbia's governing body for educational licensure. The Commission establishes standards for postsecondary educational operations, authorizes operations, approves programs, issues, or denies licenses to, and oversees all private postsecondary educational institutions in the District of Columbia.

A Human Care Agreement (HCA) is a contractual agreement with DOES, or a DC government agency, for individual participant referrals or class size task orders to be issued between the provider and DOES.

The DC Office of Contracting and Procurement (OCP) provides contracting services for selected agencies and offices in the District of Columbia. OCP manages the solicitation process for HCAs.

An Individual Training Account (ITA) is a voucher given to One-Stop Career Center customers who need occupational skills training to become gainfully employed or re-employed. Under Title I of the Workforce Investment Act (WIA) of 1998, adult and dislocated workers purchase training services through ITAs from eligible providers they select in consultation with the case manager.

A Program of Training is 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.

A Program Year is a period of twelve (12) months that begins July 1st and ends June 30th.

A Measurable Skills Gain is defined by the Department of Labor TEGL 10-16, Change 1, PM (Program Memorandum) 17-2, and TAC (Technical Assistance Circular) 17-01, section 116, as a documented academic, technical, occupational, or other form of progress, towards a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

a. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
b. Documented attainment of a secondary school diploma or its recognized equivalent;
c. 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;

d. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training;

e. 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. (

BACKGROUND:

The DC Workforce Investment Council (DCWIC) has primary responsibility for establishing eligibility and performance requirements for training providers who wish to receive Workforce Innovation and Opportunity Act (WIOA) training dollars, funded as Individual Training Accounts (ITAs). For a training provider to receive ITA funding in the District of Columbia, they must:

- Be licensed by HELC or the state higher education licensing body of the state in which they will provide training;
- Be certified as an Eligible Training Provider (ETP) by the DCWIC and placed on the District's Eligible Training Provider List (ETPL), managed by the DCWIC;
- Meet the guidelines specified in the DCWIC policy 2013.008, WIOA Individual Training Accounts;
- Be approved by the Department of Employment Services (DOES) to receive ITA funding by applying for and receiving a Human Care Agreement (HCA) through the Office of Contracting and Procurement's (OCP) solicitation process.

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. ETPs seeking continued eligibility must provide performance data for both ITA and non ITA funded participants to include Social Security Numbers.

POLICY INFORMATION

I. ETPL Policies and Procedures:

The following sections list the requirements for a Training Provider to be added to and remain in good standing on the ETPL.

II. Licensure:

In order to apply to become an ETP, the provider must obtain licensure to provide in-person, virtual or hybrid post-secondary training leading to credentials in the District of Columbia through the Higher Education Licensure Commission, or the state licensing body for the jurisdiction in which training will be provided.

III. ETPL Application Process:

Training providers applying for initial program eligibility must:

- Send a request to join ETPL through the DCWIC website at https://dcworks.dc.gov/service/eligible-training-provider-list-etpl;
- DCWIC staff will contact Training Provider to provide login and registration

information for using the ETPL Database;

- Submit all requested information as directed for approval process.

Upon receipt of application information, DCWIC staff will:

- Review application materials to ensure completed application and confirm eligibility
- Submit application package to the Economic and Workforce Alignment (EWA) Committee for review and determination
- Notify Training Provider of determination within thirty (30) days.

Providers who are approved by the EWA Committee will be added to the District of Columbia's ETPL. Providers on the ETPL must still apply for and receive approval for a HCA with the Department of Employment Services. DCWIC staff will notify ETPL Training Providers of HCA solicitation opportunities.

IV. ETPL Reciprocity:

Training Providers who are physically located outside of the District of Columbia and are currently in good standing on another jurisdiction's ETPL may be added to the DCWIC ETPL if:

1. The eligibility requirements from that jurisdiction align with the District of Columbia's requirements; and
2. The provider can present a letter from their local Workforce Board stating that the provider is active and in good standing on their home jurisdiction's ETPL.
3. Training Providers seeking to provide training in the District of Columbia will need to obtain licensure through HELC prior to requesting reciprocity approval; Training Providers seeking to provide training outside of the District of Columbia will need to provide evidence of licensure through another jurisdiction's higher education licensing organization.
4. All Training Providers will still be required to apply for and be awarded a Human Care Agreement by the Office of Contracting and Procurement, on behalf of DOES, before they can begin providing reimbursable services to DC residents receiving occupational skills training.

V. Eligibility Requirements:

1. **Initial Eligibility**. An applicant seeking to be certified as an eligible training provider in the District of Columbia must provide all of the following as specified on the application:
   - **i.** Information about the provider and each proposed training program;
   - **ii.** Evidence of program accreditation and/or provider educational license with appropriate state or governing entity;
   - **iii.** Information identifying the industry-recognized post-secondary credential received by program completers;
   - **iv.** A description of the training program's relationship or partnership with industry-related employers;

v. Information demonstrating alignment of training program with the DC High Demand Sectors and Occupations List;

vi. Information on program cost per participant, including course catalogue or brochures demonstrating that all program-related costs are standard rates charged to the public;

vii. A copy of the provider's refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies;

viii. 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;

ix. Information about performance for the most recent twelve (12) month period that includes:

(1) Completion rates for all individuals in the listed program;

(2) Percentage of all individuals participating in the listed program who obtain unsubsidized employment after program exit;

(3) Wages at placement in employment of all individuals participating in the listed program;

(4) Percentage of program completers who attained a post-secondary credential, secondary school diploma or equivalent during program participation or within one (1) year after program completion.

(5) Additional information requested by the DCWIC.

a. Determinations. The DCWIC shall make a determination with respect to an application for initial eligibility within thirty (30) calendar days of receiving all of the required information unless unable to convene the EWA Committee in thirty (30)-day period. The DCWIC shall notify an applicant if an application is determined to be incomplete and shall keep such application open for a period of ninety (90) calendar days from the date of receipt. If an applicant fails to submit all required information or materials within this ninety (90)-day period, the DCWIC shall deny the application, and the applicant must wait thirty (30) calendar days before resubmitting an application.

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 program to offer education and/or training programs necessary resources and services to support student attainment of goals, demonstrated by past program performance data;

ii. The degree to which the program aligns with identified DC High Demand Sectors and Occupations List or necessary skills to obtain position;

iii. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;

iv. The degree to which program completion is directly connected to related industry employment, and the strength of partnerships Training Provider has with local employers.

b. Denial of Initial Eligibility. A training provider and/or its program(s) may be denied inclusion on the ETPL for the following reasons:

i. The applicant fails to meet the minimum criteria for initial eligibility as specified in this policy.

ii. The initial eligibility application is not complete.

iii. The applicant intentionally supplied inaccurate information. Penalties are described in WIOA Sec. 122(f)(1)(A) and subparagraph (C).

iv. The applicant substantially violated any requirement under WIOA. Penalties are described in WIOA Sec. 122(f)(1)(B) and subparagraph (C).

If the DCWIC denies initial eligibility of a provider's program on the ETPL, the DCWIC must, within thirty (30) days of receipt of the application, inform the provider in writing including the reason(s) for the denial and complete information on the appeals process.

c. Period of Eligibility. New providers will be added on a quarterly basis to the ETPL as they become eligible. Initial eligibility remains in effect for one (1) calendar year from the time they are made eligible.

d. Data Requirement: New providers agree to provide performance data for all students enrolled in the programs of study that they have been made eligible for on the ETPL to the DCWIC on a date to be communicated to the provider by the DCWIC. Information includes data on all program participants including Social Security Number that shows:

(1) Completion rate
(2) Employment and employment retention rate
(3) Credential attainment rate; and
(4) Median wage after program completion
(5) Student roster information for all training participants for each approved program to include Social Security Number

Some of the information provided will be published on the DCWIC website to allow consumers to compare ETP performance outcomes, and program costs.

i. **<u>Continued Eligibility:</u>** Eligible training providers seeking to be determined as eligible for continued eligibility must provide the following to the DCWIC on an annual basis, thirty (30) days prior to provider's eligibility end date: Information on any additions or modifications to programs and services offered including course summary, breakdown of costs, credentials to be attained, and class schedule;

ii. Published course catalog with student cost information;

iii. Current copies of the provider's refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies, if changes have

occurred since the initial eligibility period;

iv. Current proof of commercial liability insurance coverage;

v. Most recent program accreditation and/or provider educational license;

vi. Updated information pertaining to alignment of training program with DC High Demand Sectors and Occupations List;

vii. Performance Data Report for each approved training program that includes data on all program participants including Social Security Number that shows:

(1) Completion rate

(2) Employment and employment retention rate

(3) Credential attainment rate; and

(4) Median wage after program completion

viii. Student roster information for all training participants for each approved program to include Social Security Number;

ix. A current academic calendar;

x. Updated list and/or letters of support from employer partners;

xi. Any additional information required by the DCWIC.

a. Determinations. The DCWIC shall make a determination with respect to an application for continued eligibility within thirty (30) calendar days of receiving all requested information unless unable to convene the EWA committee within the thirty (30)-day period. The DCWIC shall notify an applicant if an application is determined to be incomplete and shall keep such application open until the expiration of the provider's ETP contract. If a provider fails to submit all required information or materials before the expiration of the ETP contract, the DCWIC shall 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 based on the following criteria:

i. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals;

ii. The degree to which the program relates to the DC High Demand Sectors and Occupations List or necessary skills to obtain position;

iii. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;

iv. The degree to which program completion is directly connected to related industry employment;

v. The ability to meet minimum performance measures established by the DCWIC.

b. Period of Eligibility. Training providers must apply for continued eligibility by thirty (30) days prior to the provider's eligibility end date. The eligibility period will span the respective following year from initial eligibility determination.

VI. Program Modifications:

1. **Current Programs.** An eligible training provider seeking to make modifications to a program that is currently covered under an approved application for initial or continued eligibility shall submit a written request to the DCWIC describing the proposed modifications and the purpose for such modifications. Upon receipt of the request, the WIC shall approve or deny such modifications within ten (10) business days.
2. **Additional Programs.** An eligible training provider seeking to add new programs to an approved application for initial or continued eligibility shall submit a written request to the DCWIC that includes all information listed in this policy under Initial Eligibility for each additional program. Upon receipt of the request, the DCWIC shall approve or deny additional programs within thirty (30) days.

VII. Eligibility Exemptions:

1. **Registered Apprenticeship Programs.** Pursuant to 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 during the initial or continuing eligibility determination process. These providers, however, must submit a letter to OAIT requesting to be included on the ETPL. Registered Apprenticeship programs remain eligible for as long as the program remains registered in the OAIT apprenticeship database. Registered Apprenticeship program sponsors interested in being added to the ETPL should send a letter to the Office of Apprenticeship, Information, and Training and/or the DCWIC with the following information:
    - **a.** Occupation(s) included within the registered apprenticeship program;
    - **b.** Name and address of the Registered Apprenticeship Program Sponsor;
    - **c.** Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
    - **d.** Method and length of instruction, and
    - **e.** The number of active apprentices.
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 during the initial or continuing eligibility determination process, but are required to provide performance information established by the Governor.
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 there is written verification from an employer that an employment offer is contingent upon completion of said training program, or 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. The provider must also submit Onet online labor market data

demonstrating that at least fifty (50) job openings within the target occupation(s) are projected within the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area 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 DCWIC determines that:
    - **a.** There are an insufficient number of providers, or
    - **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), or
    - **c.** An institution of higher education, or other 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 Individual Training Account (ITA).

VIII. ETPL Performance Requirements:

Per TEGL 10-16, WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local areas in achieving positive outcomes. These indicators and requirements are defined in the Department of Labor website. All eligible training providers and programs that receive ITA funding must validate performance information annually on the following five outcomes for WIOA Title I participants: These performance requirements may change as the Department of Labor updates performance measures.

1. **Training Completion Rate** – the number of participants during a Program Year who were enrolled in a Title I funded training service.
    - **a.** Must meet or exceed 70%.
2. **Measurable skills gain rate**
    - **a.** Must meet or exceed 34% for adult participants and
    - **b.** Must meet or exceed 56% for dislocated worker participants.
3. **Credential Attainment Rate –** of those who completed an ITA funded training during the Program Year or within one year after exit from the program, the percentage who attained Credentials during that same period.
    - **a.** Must meet or exceed 60%.
4. **Entered Employment Rates –** This measure will be calculated for Title I Adult and Dislocated Worker program participants separately, and will be reported as:
    - **a.** The number of participants who received an ITA and who are employed in the second quarter after the exit quarter and;
        - **i.** Must meet or exceed 67% for adult participants.

ii. Must meet or exceed 74% for dislocated worker participants.

b. The number of participants who received an ITA and who are employed in the fourth quarter after the exit quarter.

i. Must meet or exceed 70% for both adult and dislocated worker participants.

5. **Per the DC WIOA Unified State Plan, post Training Earnings must meet or exceed $5,800 for adult participants and $8,000 for dislocated worker participants** – Will be reported as the median earnings for those participants who received an ITA and who have earnings during the second quarter after exit.

IX. Failure to Meet Performance Requirements:

1. **ETPL Probation:** If an eligible training provider fails to meet required performance levels for one or more of the DCWIC'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 DCWIC may approve an application for subsequent eligibility for an eligible training provider 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 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.

2. **Contractual Probation**: Eligible Training Providers who are placed on HCA corrective action plans will in turn be placed on probation on the ETPL.

X. Removal of Provider or Program from the ETPL:

A training provider and/or its program(s) may be removed from the ETPL for the following reasons:

1. If an eligible training provider fails to meet or exceed performance levels for at least two of the performance indicators the ETP will be removed from the ETPL and be ineligible to apply for a period of one (1) year.
2. If an eligible training provider fails to meet the requirements of their Human Care Agreement contract with DOES.
3. The training provider fails to meet the minimum criteria for continued eligibility as specified in this policy.
4. The training provider fails to submit participant data and performance data required for the performance review within the established due date.
5. It is determined that the training provider intentionally supplied inaccurate information.
6. It is determined that the training provider substantially violated any requirement under WIOA.
7. The training provider or program loses its educational license or accreditation.

8. The training provider or program fails to meet the minimum levels of performance established by the DCWIC.
9. The training provider fails to notify the DCWIC of any program changes including, but not limited to, costs or location of training.
10. It is determined the training provider is not eligible to do business with the District of Columbia.

The DCWIC shall remove a program that was determined to be no longer eligible no earlier than the last calendar day of the month from issuance of removal notice. If a training provider chooses to appeal, a training program that is subject to removal shall remain on the ETPL until the appeal is concluded.

XI. Appeals:

An applicant may appeal to the DCWIC Executive Committee based on the denial of an applicant's application for initial or continued eligibility on the ETPL or the removal of a program(s) already listed on the ETPL.

1. A provider wishing to appeal a decision by the DCWIC must submit an appeal to the DCWIC Executive Committee within thirty (30) days of the issuance of the denial or removal notice. The appeal must be in writing and include a statement of the desire to appeal, specification of the program in question, the reason(s) for the appeal (i.e., grounds), and the signature of the appropriate Provider official.
2. Upon receipt of the written appeal, the DCWIC shall schedule a hearing to be held at the next quarterly meeting of the DCWIC Board. Both the appellant and DCWIC staff shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.
3. The DCWIC Executive Committee will notify appellants of its final decision on an appeal within thirty (30) days of the hearing. This period includes a hearing, if requested by the Provider.

XII. INQUIRIES:

Inquiries regarding this guidance should be directed to the DCWIC Executive Director.

XIII. EXPIRATION:

Continuing.