WORKFORCE INVESTMENT COUNCIL
DISTRICT OF COLUMBIA

Subject	Date
WIOA ELIGIBLE TRAINING PROVIDER POLICY	**April 7, 2017**

ISSUING ENTITY:

DC Workforce Investment Council

SCOPE:

DC Workforce Investment Council, DC WIOA Administrative Entity, One-Stop Operators, and Mandatory Partner Programs

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

EFFECTIVE DATE:

Voted on January 23, 2017, and effective after submission to the DC Council and a 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 10-day period of review, it shall be deemed approved.

OBJECTIVE:

The DC Workforce Investment Council (WIC) has primary responsibility for establishing eligibility and performance requirements for training providers who wish to receive WIOA-funded individual training accounts (ITAs). This policy establishes the requirements and procedures for initial and continued eligibility determinations for training providers, including policies relating to appeals.

BACKGROUND:

In general, the Workforce Innovation and Opportunity Act (WIOA) requires that training services be paid for through vouchers known as Individual Training Accounts (ITAs). In order for a training provider to receive ITA funding in the District, they must be certified as an Eligible Training Provider (ETP), and placed on the District's Eligible Training Provider List (ETPL). Eligible training providers must be used for all adult and dislocated worker training services with the exception of on-the-job training, customized training, incumbent worker training, and cohort-based training (as authorized under federal law and defined by WIC policy).

Not all ETPs that are placed on the ETPL are automatically eligible to receive ITA funding, which is contingent on meeting the guidelines specified in the WIC policy 2013.008, WIA Individual Training Accounts. Additionally, per DC Law 20-263, effective January 1, 2016, no ETP shall be eligible to receive funding for more than 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.

PROCESS:

The training provider applicant must first download the ETPL application and submit completed materials through the WIC website at https://dcworks.dc.gov. WIC staff will review application materials and submit to the Economic and Workforce Alignment Committee of the Workforce Investment Council for approval or denial. Providers who are deemed eligible by the Committee must also be determined suitable to do business with the District.

ELIGIBLE PROVIDER OF TRAINING SERVICES:

To be eligible to receive WIOA Title I-B Adult and Dislocated Worker funds for the provision of training services, an applicant must be one of the following:

1. A institution of higher education that provides a program that leads to a post-secondary credential;
2. An entity that carries out programs registered with the District's Office of Apprenticeship Information and Training;
3. Another public, private, or community-based provider of a program of training services.

PROGRAM OF TRAINING:

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 measureable skill gains toward such a credential or employment.

Identical programs offered in different locations by the same eligible training provider shall be considered as one program if they are all covered by a single educational license.

INITIAL ELIGIBILITY:

A. Period of Eligibility. New providers will be continually added to the ETPL as they become eligible. Initial eligibility remains in effect for one (1) calendar year (January 1 – December 31).

B. <u>Eligibility</u>. An applicant seeking to be certified as an eligible training provider in the District of Columbia must provide all of the following:

1. Information about the provider and each proposed training program;
2. Evidence of program accreditation and/or provider educational license with appropriate state or governing entity;
3. Information identifying the industry-recognized post-secondary credential received by program completers;
4. A description of the training program's relationship or partnership with industry-related employers;
5. Information demonstrating alignment of training program with the DC High Demand Sectors and Occupations List;
6. Information on program cost per participant, including course catalogue or brochures demonstrating that all program-related costs are standard rates charged to the public;

7. A copy of the provider's refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies;
8. 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;
9. Information about performance for the most recent twelve (12) month period that includes:
    i. Completion rates for all individuals in the listed program;
    ii. Percentage of all individuals participating in the listed program who obtain unsubsidized employment after program exit
    iii. Wages at placement in employment of all individuals participating in the listed program;
    iv. Percentage of program completers who attained a post-secondary credential, secondary school diploma or equivalent during program participation or within 1 (one) year after program completion; and

10. Any additional information requested by the WIC.

C. **Determinations**. The WIC shall make a determination with respect to an application for initial eligibility within 30 calendar days of receiving all of the required information. The WIC shall notify an applicant if an application is determined to be incomplete, and shall keep such application open for a period of 90 calendar days from the date of receipt. If an applicant fails to submit all required information or materials within this 90-day period, the WIC shall deny the application, and the applicant must wait 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:

1. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals
2. The degree to which the program relates to in-demand industry sectors and occupations within the District
3. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials
4. The degree to which program completion is directly connected to related industry employment

CONTINUED ELIGIBILITY:

A. **Period of Eligibility**. Training providers must apply for continued eligibility by November 30 of each year. The eligibility period will span the respective following calendar year (January 1 – December 31).

B. **Eligibility.** Eligible training providers seeking to be determined as eligible for continued eligibility must provide the following:

1. Information on any additions or modifications to programs and services offered including course summary, breakdown of costs, credentials to be attained, and class schedule;
2. Currently published course catalog with student cost information;
3. 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;
4. Current proof of commercial liability insurance coverage;
5. Most recent program accreditation and/or provider educational license;
6. Updated information pertaining to alignment of training program with DC High Demand Sectors and Occupations List;
7. Performance Data Report for each approved training program that includes data on all program participants that shows:

    i. Completion rate
    ii. Employment and employment retention rate
    iii. Credential attainment rate; and
    iv. Median wage after program completion

8. Student roster information for all training participants for each approved program;
9. A current academic calendar;
10. Any additional information required by the WIC.

The provider agrees to submit student data and performance data by November 30 of each year after the first full year for performance calculation.

C. **Determinations**. The WIC shall make a determination with respect to an application for continued eligibility within 30 calendar days of receiving all requested information. The WIC 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 WIC 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 on a program to program basis and be based on the following criteria:

1. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals
2. The degree to which the program relates to in-demand industry sectors and occupations within the District
3. Whether the program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials
4. The degree to which program completion is directly connected to related industry employment
5. The ability to meet minimum performance measures established by the WIC

D. **Failure to Meet Performance Requirements**. If an eligible training provider fails to meet or exceed performance levels for at least two of the performance indicators and fails to achieve at

least 80 percent of the required performance levels for each of the performance indicators, the ETP will be removed from the ETPL and be ineligible to apply for a period of one (1) year.

If an eligible training provider has failed to meet required performance levels for one or more of the District's performance indicators but has either a) met or exceeded performance levels for two or more of the performance indicators, or b) achieved at least 80% of the required performance levels for each performance indicator, they shall be placed on probationary status. The WIC 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.

MODIFICATIONS:

A. **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 WIC 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.

B. **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 WIC that includes all information listed in this policy under Initial Eligibility for each additional program. Upon receipt of the request, the WIC shall approve or deny additional programs within 30 days.

ELIGIBILITY EXEMPTIONS:

A. **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.

B. **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.

C. **Demand 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 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 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.

D. **Additional Exemptions.** Pursuant to WIOA section 134(c)(3)(G)(ii), training providers will not be subject to eligibility criteria if the WIC determines that:

   i. There are an insufficient number of providers, or
   ii. 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
   iii. 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
   iv. The provider is contracted for services through a pay-for-performance contract instead of an Individual Training Account (ITA).

DENIAL AND REMOVAL:

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

   1. The applicant fails to meet the minimum criteria for initial eligibility as specified in this policy.
   2. The initial eligibility application is not complete.
   3. The applicant intentionally supplied inaccurate information. Penalties are described in WIOA Sec. 122(f)(1)(A) and subparagraph (C).
   4. The applicant substantially violated any requirement under WIOA. Penalties are described in WIOA Sec. 122(f)(1)(B) and subparagraph (C).

If the WIC denies initial eligibility of a provider's program on the ETPL, the WIC must, within 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.

B. **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. The training provider fails to meet the minimum criteria for continued eligibility as specified in this policy.
   2. The training provider fails to submit participant data and performance data required for the performance review within the established due date.
   3. It is determined that the training provider intentionally supplied inaccurate information.
   4. It is determined that the training provider substantially violated any requirement under WIOA.

5. The training provider or program loses its educational license or accreditation.
6. The training provider or program fails to meet the minimum levels of performance established by the WIC.
7. The training provider fails to notify the WIC of any program changes including, but not limited to, costs or location of training.
8. It is determined the training provider is not eligible to do business with the District of Columbia.

The WIC shall remove a program that was determined to be no longer eligible no earlier than the 31st calendar day 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.

APPEALS:

An applicant may appeal to the WIC 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.

A. A provider wishing to appeal a decision by the WIC must submit an appeal to the WIC Executive Committee within 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.
B. Upon receipt of the written appeal, the WIC shall schedule a hearing to be held at the next quarterly meeting of the WIC Board. Both the appellant and WIC 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.
C. The WIC Executive Committee will notify appellants of its final decision on an appeal within 30 days of the hearing. This period includes a hearing, if requested by the Provider.