



Policy: 15-WIOA-10

Subject: Training provider and training program certification and recertification

Effective date: 12/12/17

Rescissions: Local policy 06-002 Training Provider Criteria
Local policy 00-005 Provider Certification Appeals Process

Expiration Date: Continuing

Purpose: To provide information regarding Workforce Innovation and Opportunity Act (WIOA) requirements for the Eligible Training Provider List (ETPL) to provide WIOA funded training.

Policy:

A. General Eligibility of Training Providers

The following outlines the general criteria for a training provider to be considered for initial eligibility, as well as for its training programs. To be eligible to receive funds for the provision of training services:

1. The provider shall be:
 - a. an institution of higher education that provides a program that leads to a recognized postsecondary credential; This may include programs receiving approval or accreditation by the U.S. Department of Education, Illinois Board of Higher Education, Illinois Community College Board, or Illinois State Board of Education;
 - b. an entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) as recognized in Illinois by the U.S. Department of Labor (USDOL), Office of Apprenticeship; or
 - c. another public or private provider of a program of training services, which may include joint labor-management organizations; eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training; or programs that have been recognized by the industry as meeting the standards necessary for approval or accreditation, when such standards exist.

2. The provider must have been open for business for a minimum of one year. Open for business is defined as having documented, and provided verification of the following:
 - a. Legal and good standing state registered business
 - b. FEIN

- c. Location including allowing onsite review of facilities
- d. Proof of delivery and outcomes of training services and training related job placement services. This includes providing statistics on the two (2) most recent graduating classes for which they have data, including program completion rate, pass/fail rate on required licensure exams (if any), and job placement rate.
- e. Accrediting body
- f. Credential type
- g. Cost justification
- h. Proof of published program cost and refund policy, This includes providing a billing schedule and fee structure, i.e. monthly versus quarterly, credit hour versus clock time, and whether payments are expected monthly, by semester, annually, up-front, etc.

B. All Registered Apprenticeship (RA) programs registered with USDOL, Office of Apprenticeship or a recognized state apprenticeship agency are automatically eligible to be included as an eligible training provider so long as they show interest in being added to the Eligible Training Provider List (ETPL) and the following process is completed:

1. Registered Apprenticeships must indicate their interest in being included on the ETPL.
2. An RA may contact its Local Workforce investment Area (LWIA) or State of Illinois, Office of Employment and Training to indicate its interest in being included on the ETPL.
3. Local workforce area (LWA) must notify Department of Commerce, Office of Employment and Training (OET) in writing of all registered apprenticeship programs that have shown interest in being included on the ETPL.
4. The following information is required for inclusion on the ETPL and should be provided for all programs of the RA:
 - a. Occupations included within the RA program(s);
 - b. Name and address of the program(s) sponsor;
 - c. Name and address of the Related Technical Instruction Provider(s), and the location(s) of instruction, if different from the program sponsor's address;
 - d. Cost of the program(s);
 - e. Method and length of instruction; and
 - f. Number of active apprentices in each program.
5. Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program (as outlined above) may be required to provide additional information about their education provider.
6. A Registered Apprenticeship program expressing interest in being included on the ETPL will be added on a statewide basis; thus, if it has multiple locations, the RA would only need to show interest once, but must still provide information on every program it is providing.

C. Initial Eligibility, except Registered Apprenticeships (See Section B). New training providers must apply for Initial Eligibility in accordance with the following:

1. Applications for initial eligibility must be submitted according to the geographical location of the training program.
 - a. Training programs located within LWA #11 must initially apply with the Grundy Livingston Kankakee Workforce Board (Workforce Board) for eligibility.
 - b. Training programs offered in multiple LWAs and identical across each of the LWAs must initially apply to the Local Workforce Board in which the training provider has identified as its headquarters and/or primary location.
 - c. Training programs offered in multiple LWAs - but the program is not substantially the same across the various LWAs - must initially apply to each Local Workforce Board in which the training program is offered.
 - d. Training programs located out-of-state or not offered at a physical location (e.g., distance learning) must initially apply to the Local Workforce Board from which it anticipates receiving the most students. Out-of-state training providers will be considered for approval only when it has been established that no other compatible training is available in Illinois, or it has been documented by an assessment of the client needs that it would be in their best interest to attend the out-of-state provider. Additionally, the out-of-state provider MUST show proof of currently being recognized as an approved training provider by the WIOA program in its home state.
 - e. A training provider is prohibited from applying for training program eligibility in LWA#11 if the program site is not geographically located within LWA #11, unless the LWA in which the program is located denies eligibility or fails to act on the application within 30 days of the date of application.
2. The specific training provider and training program performance data as outlined in Section J must be provided to the Board, when available.
3. The training provider's program must lead to placement in a Demand Occupation as identified on the Demand Occupation Training List for the Northeast and North Central Economic Development Regions. Occupations associated with eligible training programs can only be selected from those available on the demand occupation list. In addition, all programs must lead to training related jobs and the attainment of an occupational skill certification, industry recognized credential, and/or licensure.
4. The training provider has provided the following assurances that it will comply fully with all non-discrimination and equal opportunity provisions of the laws listed below:
 - a. WIA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially-assisted program or activity;
 - b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - d. The Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination against qualified people with disabilities;
 - e. The Age Discrimination Act of 1975, as amended, which prohibits

- discrimination on the basis of age;
 - f. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
 - g. 29 CFR Part 37 and all other regulations implementing the laws listed above.
5. The training provider must gather all of the mandatory information found in Attachment A - Requirements for Training Program Eligibility prior to program entry into the Illinois Workforce Development System (IWDS) for review.
 6. Once a training provider has received access to IWDS from the Board the training provider should begin adding training programs into IWDS to be determined eligible and add contacts for each training program
 7. In addition to applying for program approval, the Workforce Board reserves the right to complete an interview and/or an on-site visit to discuss the following:
 - a. Physical location and ADA compliance
 - b. Qualifications of instructors
 - c. Accessibility and Equal Opportunity compliance
 - d. Student to teacher ratio
 - e. Curriculum structure
 - f. Placement outcomes and salary expectations of graduates

D. Continued Eligibility Process

1. The Workforce Board must receive the training provider's intent to apply for continued eligibility of a training program or programs within 90 days of eligibility expiration.
 - a. The training provider expresses intent for continued eligibility of a training program by resubmitting the Training Program Basic Information application using the state workforce development system which is currently IWDS.
2. The Board may grant continued eligibility to a training program based on the following:
 - a. State and local eligibility criteria are still being met;
 - b. State and local performance criteria have been met;
 - c. One or more O*Net codes associated with the training program remain on the current Demand Occupation Training List;
 - d. The training provider has maintained timely updates in the Illinois Workforce Development System of information on the training program; and
 - e. Other conditions which the Board considers necessary for continued eligibility are being met.
3. Programs that fail to apply for continued eligibility during the appropriate period may not be able to re-apply for eligibility for a period of one-year from their original anniversary date.

E. Eligibility and Continued Eligibility Timeline

1. The Workforce Board will determine if a program is eligible/re-eligible within 30 days of the application and entry of programs into IWDS.
2. If the Board (or Program Operations subcommittee) fails to make a determination (or denies eligibility/re-eligibility) of the program within 30 days of the application, the

following actions will occur:

- a. The program is placed in a "capture list" on IWDS unless it was denied "for cause".
 - b. Training programs that are placed on the capture list are available for 120 days to be selected by another LWIA and determined eligible by their LWIB. Once the 120-day period passes, the training program will be removed from the capture list.
 - c. Training programs that did not meet the state performance criteria (as outlined in Section J) or were denied "for cause" will not be placed on the "capture list" and cannot be determined eligible as an approved training program for a period of two (2) years.
3. The Workforce Board will notify the training provide if a program does not meet all of the mandatory criteria for initial or continued eligibility or is not accepted within 30 days for some other reason, the training provider can:
 - a. appeal its acceptance status in accordance with Section H and if accepted, the program will be registered on IWDS and given full eligibility status, as long as the application process has been completed; or
 - b. wait 30 days from denial of acceptance by the Board and reapply with another LWA.

F. Training Provider or Training Program Change in Information

1. Training programs are subject to renewal of eligibility status by the Workforce Board, or Program Operations subcommittee, whenever significant information for the training provider or training program has changed. Significant information includes all of the "mandatory" fields on the Training Program Basic Information record in IWDS.
2. Change(s) in any significant information must be entered in IWDS within ten (10) business days.
3. Submission of a change in significant information indicates a training provider's intent to renew eligibility and prompts the same requirements as under the current eligibility determination.

G. Denial or Revocation of Eligibility.

1. The Workforce Board has the authority to deny approval of initial or continued eligibility or revoke the status of eligibility, and remove it from the eligible training provider list for a training provider or for a training program under the following circumstances:
 - a. Its annual performance fails to meet the minimum standards set by the State of Illinois or the Board for the WIOA performance measures; (Note: At the time of issuance of this policy letter, the State of Illinois has not set minimum performance measures other than the requirement to provide performance data).
 - b. If it is determined at any time that the training provider intentionally supplied inaccurate information in its application for eligibility or continued eligibility;
 - c. The training provider substantially violated any requirement under WIOA or WIA; or
 - d. The training provider voluntarily chooses to cease being an eligible training provider or goes out of business.
2. Training programs that are removed from the eligible training provider list (ETPL) because of a failure in performance shall remain off the list for a period of not less than one year at which time the training provider may re-apply for continued eligibility of the program.

3. Training programs that have been removed from the list of approved training programs based on the reasons found in Section G.1.b. or Section G.1.c. above:
 - a. Shall remain off the ETPL for a period of not less than two years at which time the training provider may reapply for eligibility of the training program;
 - b. May prompt the revocation and removal of all other training programs of the training provider for a period of no less than two years as determined by the Workforce Board; and
 - c. May result in the following actions being taken against the training provider:
 - 1) The eligibility of the training provider may be revoked;
 - 2) The eligibility of the training provider to receive funds for the program in question may be terminated;
 - 3) Any disallowed costs may be recovered; and
 - 4) The State of Illinois or the Workforce Board may take any other action it deems appropriate.

4. LWAs shall cease to enroll customers in a training program that has had its eligibility revoked.
 - a. Customers who have already been enrolled in such training programs shall be allowed to remain through completion.
 - b. If it is deemed necessary to immediately close a training program (for such reasons as the training provider committed egregious violations or went out of business) the customers of such program(s) should be provided the opportunity to enroll in a similar program.

H. Notification and Appeal Procedures for Training Providers Denied or Revocation of Eligibility

1. If a training program is denied or revoked its initial or continued eligibility the Workforce Board will notify the provider in writing of its decision within seven (7) days of the decision via registered mail.

2. The training provider has twenty-one (21) days, from the date of receipt of the notice of denial or revocation of eligibility in which to file an appeal in writing via registered mail to the Workforce Board. The appeal must include the following information:
 - a. A statement that the training provider is appealing the denial or revocation of its eligibility;
 - b. The reason(s) the eligibility should be granted;
 - c. Contact information for additional information; and
 - d. The signature of the chief executive of the training provider.

3. The Workforce Board or the Program Operations subcommittee will review the request for appeal within twenty-one (21) days of its receipt.
 - a. If an administrative error was made or if additional information submitted by the training provider changes the basis upon which the original decision to deny or revoke eligibility was issued, the decision may be reversed and the training program(s) granted the eligibility for inclusion on the eligible training provider list (ETPL).
 - b. If the Workforce Board or Program Operations Subcommittee reverses its decision, it will notify the training provider of its action in writing within seven (7) days. The Board

will also forward a request to OET for inclusion on the ETPL.

- c. If the Workforce Board or Program Operations Subcommittee does not reverse its decision to deny or revoke eligibility and inclusion on the ETPL, it shall notify the provider in writing via registered mail within twenty-one (21) days from the receipt of the request that the program(s) was not determined eligible. The notice will include information about the opportunities for the provider to appeal its denial of eligibility with OET. A copy of the letter will be forwarded to OET.
4. A provider has twenty-one (21) days from the receipt of the final decision by the Workforce Board to appeal the denial or revocation to OET.
 - a. OET will have thirty (30) days to complete its investigation into the matter, gather additional information from the affected local workforce board(s) (LWB) file and from the provider (such as the completed local appeal), and issue a final determination of eligibility.
 - b. During this time period, OET will convene a meeting with the affected parties, if requested.
 - c. This final determination will be forwarded to the training provider and the Workforce Board in writing.
 - d. If OET overturns the decision of the Board, the program will be included on the ETPL within seven (7) days.
 - e. OET will not make a final decision to overturn the decision of the Workforce Board without convening a meeting with all of the affected parties.

I. Reinstatement on the Statewide List

1. Since it is possible for a training provider, which was not provided eligibility or continued eligibility due to failure in performance, to improve upon its overall performance and otherwise rectify any other conditions of their denial or revocation as an eligible training provider, a provider may reapply for eligibility after one year from its removal following the same process and requirements for initial eligibility and the following:
 - a. The training provider must comply with the requirements for initial eligibility;
 - b. The training provider must demonstrate it has corrected all performance and other deficiencies which resulted in their removal from the ETPL;
 - c. The training provider must demonstrate program quality with at least one year of performance information; and
 - d. The Workforce Board must determine eligibility of the program and submit it for reinstatement on the ETPL.

J. Performance Measures

All eligible training providers are required to provide basic performance data, when available, on their training programs in order to be approved for initial eligibility or continued eligibility (NOTE: *At the time of issuance of this policy letter, the State of Illinois has not set minimum performance measures other than the requirement to provide performance data. However, all training providers are encouraged to begin development of a process to comply with this policy that would include a plan for identifying all students enrolled in a program of study and capable data system to track the performance of such enrollees. Further guidance from the state will provide more detail as it becomes available.*)

1. The specific training provider and training program performance information for ALL students of the program shall be provided. The following ALL student performance data

should include both WIOA and non-WIOA students:

- a. Total number of students for this training program;
- b. Total number of exiters (defined as those students who completed, withdrew or otherwise are no longer enrolled in the program of study or equivalent and have no planned gap in service and no future services planned, excluding follow-up) in this training program;
- c. Number of exiters who are employed during the second quarter after exit quarter;
- d. Number of exiters who are employed during the fourth quarter after exit;
- e. For all exiters in a program of study where a wage match occurred, the median wage earned in the second quarter after exit;
- f. Credential Rate for exiters for this training program;
- g. Employment Rate Q2 – completers (defined as a student who successfully completed the program of study in which they were enrolled);
- h. Employment Rate Q4 – completers;
- i. Median Wage Q2 – completers; and
- j. Number of students who began the program of study compared to those who completed the program of study.

2. The performance data required shall be entered into the state workforce development database which is currently IWDS.

4) Monitoring and Oversight. All programs approved for either initial or continued eligibility status will be subject to routine monitoring by the Workforce Board and OET.

1. The Workforce Board, or its' designee, is required to conduct annual monitoring of all eligible training providers and their eligible training programs. The Board/designee, at a minimum, will:
 - a. Ensure all eligible training providers have maintained all criteria for which they were determined eligible;
 - b. Reaffirm that a training program is still accredited or the accreditation has been renewed;
 - c. Ensure all eligible training program basic information is current;

5) ATTACHMENTS

Attachment A: Requirements for Initial Eligibility and Continued Eligibility of Training Providers and Training Programs under WIOA Title I.