



<b>Workforce Innovation and Opportunity Act (WIOA) Title I Policy</b>		
<b>Subject:</b> Eligible Training Provider Policy		
<b>Number/Reference:</b> 122(a)	<b>Publish Date:</b> 10/31/2016	Revision # <b>Final Copy</b>

**Overview**

The workforce development system established under the Workforce Innovation and Opportunity Act (WIOA) emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services, including Registered Apprenticeship programs and others, is vital to achieving these core principles.

WIOA requires the State to establish eligibility criteria and procedures for a State Eligible Training Provider List (ETPL). The Oregon ETPL and the related eligibility procedures ensure the accountability, quality, and labor-market relevance of programs of training services that receive funds through WIOA Title I–B.

**Policy Statement**

This policy outlines the requirements to become an eligible training provider, including organizational requirements and eligibility criteria, clarifies the data reporting, and defines Local Workforce Development Board responsibilities.

**I. Eligible Training Provider**

An eligible training provider is a provider of training services who has met the eligibility requirements to receive WIOA Title I-B Adult, Dislocated Worker, and Youth funds via an Individual Training Account (ITA) to provide training services to eligible individuals. ITAs are permitted for older out-of-school youth, ages 18-24, when appropriate. All training providers shall comply with the respective criteria, information requirements and procedures established within this policy. All training providers must qualify as eligible providers, except for those engaged in on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience, or transitional employment.

**A. Types of Training Providers**

To be an eligible training provider, an entity must qualify as one of the following:

1. An institution of higher education that provides a program leading to a recognized post-secondary credential; or
2. An entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 29 U.S.C. 50 et seq.); or
3. Other public or private provider of a program of training services, which may include joint labor-management organizations, community-based organizations, and eligible providers of adult education and literacy activities under WIOA Title II, if such activities are provided in combination with occupational skills training;



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Training services exempt from these requirements include:

1. On-the-job training; customized training; incumbent worker training; internships, paid or unpaid work experience; transitional employment; or
2. The circumstances described at WIOA sec. 134(c)(3)(G)(ii), where the Local Board determines and documents that:
  - a. There are insufficient providers, or
  - b. There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
  - c. It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in-demand industry sectors or occupations, and such contract does not limit customer choice; or
3. When the Local Board provides training services through a pay-for-performance contract.

**B. Definition of Training**

Training is defined as one or more courses or classes, or a structured regimen that leads to:

1. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State or the Federal government, an associate or baccalaureate degree;
2. A secondary school diploma or its equivalent;
3. Employment; or
4. Measurable skill gains toward employment or a credential described in (1) or (2) of this section.

Examples of training services required to be on Eligible Training Provider list include:

- (a) Occupational skills training, including training for nontraditional employment;
- (b) Skills upgrading and retraining;
- (c) Entrepreneurial training;
- (d) Job readiness training provided in combination with services listed in this section;
- (e) Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services listed in paragraphs (a) through (d) of this section;



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These training programs may be delivered as stackable services and could be provided in-person, online, or in a blended approach. This list is not all-inclusive and additional training services not listed may be required to be on the ETPL.

### C. Licensing

Oregon requires significant consumer protection through its licensing requirements. Training providers must be authorized or licensed by the appropriate governing board or agency prior to applying for placement on the Eligible Training Provider List.

- Community college training programs must be approved by the HECC Office of Community Colleges and Workforce Development.
- Degree-granting private post-secondary institutions offering academic programs in Oregon, or to Oregon students from outside the state, must be approved by the HECC Office of Degree Authorization.
- Private Career Schools providing occupational and vocational training and certificate opportunities must be licensed by Private Career Schools (PCS) Licensing Unit in the HECC Office of Private Postsecondary Education, with the exception of circumstances listed in Oregon Revised Statute 345.015.
- Specific occupations with boards that issue licenses, such as the Construction Contractors Board or State Board of Nursing, must be licensed by that appropriate governing board.
- Apprenticeships must be registered with the the U.S. Department of Labor or with Oregon's Bureau of Labor and Industry, Apprenticeship and Training Division.

### D. Training Provider Requirements

1. Training providers must be a legal entity, registered to do business in Oregon.
2. Training providers must offer training programs that are related to high-wage, high-demand, and/or high-skill occupation.
3. Training providers must have the ability to:
  - a. Offer programs that lead to recognized postsecondary credentials;
  - b. Meet the needs of local employers and participants; and
  - c. Serve individuals with barriers to employment.
4. Training providers are required to have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies must be written and published so students are aware of how to request a refund.
5. Training providers must have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
6. As potential recipients of WIOA Title I-B funds, training providers must comply with non-discrimination and equal opportunity provisions of the following laws:
  - Regulations under Section 188 of the Workforce Innovation and Opportunity Act



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- 29 CFR 37, Title VI of the Civil Rights Act of 1964;
- Age Discrimination Act of 1998;
- Sections 504 and 508 of the Rehabilitation Act of 1973;
- Title IX of the Education Amendments of 1972;
- Title II Subpart A of the American with Disabilities Act of 1990; and
- The Genetic Information Nondiscrimination Act of 2008.

7. Training providers that have been debarred by any state or the federal government are not eligible to be included on the ETPL during the debarment period.

**E. Reciprocal Agreements**

Oregon has reciprocal agreements with Washington and Idaho that allow qualifying WIOA participants in Oregon to use ITAs to enroll in a program of training identified on the State of Washington’s or State of Idaho’s ETPL. Final approval for using an Oregon-funded ITA at a Washington or Idaho training provider rests with Oregon WIOA program operators.

**II. Eligibility Criteria**

**A. Initial Eligibility**

To be included on the Oregon ETPL, all training providers and programs not previously eligible to provide training services, shall provide the required information to Oregon’s WIOA Title I administrative entity (Initial Eligibility Application, Attachment A). The State shall review the application, make a determination of approval, and notify the applicant of the determination within 30 days of receiving the completed application. The State shall notify the applicant of the final determination in writing, including, in the case of a denial, reasons for the final determination and a statement that the provider may appeal the decision as provided in this policy.

Applicants approved under this section will receive initial eligibility for one calendar year. If the applicant wishes to continue providing training services, the applicant shall apply for continued eligibility (Section II B) 30 days prior to end of initial eligibility expiration.

An initial eligibility determination will be decided for each training provider on a program by program basis; there is no blanket approval for all programs offered by a provider. Training providers applying to have their programs be considered eligible must provide the following information for each training program:

1. A description of the training program
2. Program cost information, including tuition and fees;
3. Evidence of state licensure requirements of training providers, and licensing status of providers of training services, as applicable;



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4. The occupation for which the training program prepares the student must be, at minimum, high-wage, high-demand, or high-skill occupation in the state of Oregon, as defined:
  - *High-wage Occupation:* Occupations paying more than the all-industry, all-ownership median wage for statewide or a particular region.
  - *High-demand Occupation:* Occupations having more than the median number of total (growth plus replacement) openings for statewide or a particular region.
  - *High-skill Occupations:* Occupations with a typical educational level needed for entry of postsecondary training (non-degree) or higher, OR occupations with an apprenticeship as the "typical on-the-job training" level, OR occupations typically needing related work experience or long-term OJT for entry and postsecondary training (non-degree) or above as competitive.
5. The training provider must supply information on whether they have partnerships with business. The information may include whether the training program is offered or was designed as a result of the partnership, or may include a list of employers that have committed to hire graduates from the training program.
6. The training provider must supply information regarding how successful completion of the program results in or leads to a federally or locally recognized credential.
7. Description of the accessibility of training services (i.e., is this program of study facility-based training, or is it accessible throughout the state, to individuals in rural areas, through the use of technology);
8. A description of the program’s demonstrated effectiveness in serving employed individuals and individuals with barriers to employment.
9. The following performance data<sup>1</sup>:
  - Number of students completing training program
  - Number of students obtaining a credential within one year after program completion
  - Number of students in unsubsidized employment second quarter after exit
  - Number of students in unsubsidized employment fourth quarter after exit
  - Median hourly wage at placement

**B. Continued Eligibility**

All training providers’ programs on the ETPL, except for registered apprenticeship programs, must apply biennially for continued eligibility (Continued Eligibility Application, Attachment B) after July 1, 2016. The continued eligibility review process ensures that training provider information is accurate and performance standards are met. Minimum performance standards may be developed after three years of WIOA-specific performance data is available.

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<sup>1</sup> To be implemented once performance data begins being reported in PY18 (July 1, 2018-June 30, 2019).



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To determine continued eligibility, training providers must demonstrate they meet the requirements under Initial Eligibility (Section II.A.1-8) for each training program. They must also submit the following performance data for the past three program years:

1. Total students served;
2. Total students exited;
3. The percentage of participants completing the training program;
4. The percentage of participants who are in unsubsidized employment during the second quarter after exiting the program;
5. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exiting from the program;
6. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program; and
7. The percentage of program participants who obtain a recognized credential or a secondary school diploma or its equivalent during participation or within a year after exit.

**C. Registered Apprenticeships**

Pursuant to Section 122(a)(3) of WIOA, apprenticeship programs registered with the U.S. Department of Labor or with Oregon’s Bureau of Labor and Industry, Apprenticeship and Training Division are automatically eligible to be included on the ETPL. Registered apprenticeship programs are not required to submit initial or continued eligibility applications under these procedures. Although registered apprenticeship programs are automatically eligible, the program will not be included on the ETPL unless the program provider notifies the State WIOA Title I administrative entity of its intention to be included on the ETPL. This notification must include the first page of Standards of Apprenticeship document that indicates the registration approval.

Once an apprenticeship program is registered on the ETPL, the program will remain on the ETPL until the program is no longer registered with the Apprenticeship and Training Division or until the provider notifies the WIOA Title I administrative entity, in writing, of the intention to be removed from the list.

Registered Apprenticeship programs that request to be on the ETPL are required to provide the following information to the State on a biennially basis:

1. Occupations included within the Registered Apprenticeship program;
2. The name and address of the Registered Apprenticeship program sponsor;
3. The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor’s address;
4. The method and length of instruction; and,
5. The number of active apprentices.



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Registered apprenticeship programs are required to comply with all laws and rules regarding apprenticeship programs and labor laws in the State of Oregon.

**D. Eligibility Exceptions**

An exception request can be made regarding eligibility requirement II.A.4 only. The local board must send an exception request to the State explaining why the training program should be added to the ETPL despite the training not being a high-wage, high-demand, or high-skill occupation in the state of Oregon.

No other eligibility exceptions may be requested.

**E. Eligibility Denials**

A training provider or program may be denied initial eligibility for the following reasons:

1. The application is not complete or information was not provided in a timely manner.
2. The training program does not meet the definition of training services (Section 1.B.).
3. The training program does not result in or lead to a recognized postsecondary credential.
4. The training provider is not in compliance with the WIOA, regulations, or any agreement executed under the WIOA.
5. The training program does not meet the eligibility requirements as outlined in this policy.
6. It is determined that the training provider intentionally supplied inaccurate information.

**III. Local Workforce Development Board Responsibilities**

Local workforce development boards are responsible to:

1. Collaborate with the State to ensure sufficient numbers and types of providers of training services are accessible in each local area, including eligible providers with expertise in assisting individuals with disabilities and adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E);
2. Work with their local and regional employers and education providers to ensure there are training programs that provide credentials, certificates and/or skills that are valued by employers within priority industry sectors identified in the local strategic plan. Training must lead to or result in the awarding of an industry-recognized credential, national or state certificate or degree, including all industry appropriate competencies, licensing and/or certification requirements.
3. In partnership with the state, make available through WorkSource Oregon centers the list of eligible providers of training services and accompanying information.



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**A. Local Training Provider List**

The Local Workforce Development Board may create a local training provider list (LTPL) with additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the State. Local eligibility is contingent on the provider first being approved for the State eligible training provider list (ETPL). If a LTPL is created, the LWDB must establish a policy outlining the process and procedure for the list, including a written appeal policy for training provider complaints and appeals. If the Local WDB removes a program of training services from the eligible programs in that local area for failure to meet higher performance standards developed at the local level, training providers may appeal a denial of eligibility under the LWDB’s appeal procedure outlined in the local training provider list policy. The State may review local processes and determinations as deemed appropriate.

Any additional requirements established by the Local Workforce Development Board will only affect a program’s eligibility and performance level eligibility requirements within the local workforce area. Like the statewide list, these providers and their programs must meet eligibility criteria, follow procedures and provide performance outcomes in order to receive WIOA Title I-B funds. Additionally the LTPL and accompanying information must be made available through WorkSource Oregon centers.

**IV. Data Reporting**

Training providers are required to submit information regarding each of the required indicators listed in Section II.B. 1-7 for the most recent year of application as a component of the ‘continued eligibility’ determination, as well as for the Department of Labor’s provider performance report. Eligible providers must request social security numbers (SSN) on all students (not just those funded through WIOA) within each training program for each program year. The SSNs and training program information will then be submitted to the Higher Education Coordinating Commission in order to report the performance outcomes of training program participants and to complete the provider performance report (Attachment C) for Department of Labor submission.

As reporting requirements have changed in Oregon under WIOA, training providers may not have available the federally required three (3) years of WIOA-specific performance data necessary to meet the new requirement for PY 2016 through PY 2018 provider performance reports. As such, training providers are required to submit the applicable performance data each year of application until such time as the program has accrued the three (3) years of data required by USDOL.

**A. Modification of Approved Programs**

ETPL training providers must keep information current on the ETPL to continue to receive training referrals. Failure to update program information may result in removal of the program from the ETPL. Any significant change to a program, including a change in the program’s cost, may require re-evaluation for approval.

**V. Removals from the ETPL**

A program may be removed from the ETPL for the following reasons:



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1. The application is not complete or information was not provided in a timely manner.
2. The training program does not meet the WIOA definition of training services.
3. The training program does not result in or lead to a recognized postsecondary credential.
4. Performance data does not meet the minimum performance measures or is not provided.
5. The training provider is not in compliance with the WIOA, regulations, or any agreement executed under the WIOA.
6. The training program does not meet the eligibility requirements as outlined in this policy.
7. It is determined that the training provider intentionally supplied inaccurate information.

Providers determined to have intentionally supplied inaccurate information or to have substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38, will be removed from the State list of eligible training providers and programs for not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance. When a program of training is removed from the state ETPL, WIOA participants currently enrolled in the program with the support of an ITA may complete their training.

**A. Requests for Appeal**

Training providers may file appeals with regard to the denial of a provider’s application for initial or continued eligibility listing on the ETPL or LTPL, or for the removal of a program(s) already listed on the ETPL or LTPL. All appeals must be submitted in writing within 30 calendar days from the date of the rejection notice or notice of suspension of eligibility. The request for an appeal hearing must include:

1. The name, address, and telephone number of the training provider;
2. A statement of the desire to appeal;
3. A description of the adverse action; and
4. Detailed explanation of the reasons claimed that the denial or removal was erroneous.

Such appeals must be addressed to:

Workforce Programs Director  
 Workforce Investments  
 875 Union St. NE  
 Salem, OR 97311

An appeals resolution will be scheduled within 60 days of the date the appeal request was received.

**Actions**

This policy should be widely distributed to Local Workforce Development Boards, Community Colleges, private career schools, and other training providers throughout Oregon. Any Local Workforce Development Board



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creating a Local Training Provider List must establish a policy outlining the process and procedure for the list, including a written appeal policy for training provider complaints.

**Contact**

Comments about this policy can be emailed to [EligibleTrainingProviderList@oregon.gov](mailto:EligibleTrainingProviderList@oregon.gov)

**Attachments/Additional Resources**

- Attachment A: Initial Eligibility Application
- Attachment B: Continued Eligibility Application
- Attachment C: Provider Performance Report (*waiting on DOL guidance*)
- Attachment D: ETPL Procedures Handbook (*under development*)

**References**

- Workforce Innovation and Opportunity Act of 2014 (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, enacted July 22, 2014
- Training and Employment Guidance Letter (TEGL) No. 41-14, Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition, June 26, 2015
- Training and Employment Guidance Letter (TEGL) No. 41-14, Change 1, November 24, 2015