

 Montana Department of LABOR & INDUSTRY Workforce Services Division	Category	WIOA
	Effective Date	11/23/16
	Last Revised	-
	Policy No.	16-07
Eligible Training Provider List (ETPL) Policy		

Background: The Workforce Investment Act (WIA) established the Eligible Training Provider process as part of an overall strategy to ensure informed customer choice for training, performance accountability, and continuous improvement. The Workforce Innovation and Opportunity Act (WIOA) further advances these goals through the alignment of the six core federal programs that support employment and training services: Title I Adult, Dislocated Worker, and Youth Programs, Adult Education and Literacy Programs, the Wagner-Peyser Employment Service, and Title I of the Rehabilitation Act programs.

Montana’s Eligible Training Provider List (ETPL) identifies training providers whose performance qualifies them to receive WIOA funds to train adults and dislocated workers using Individual Training Accounts (ITAs). The Montana ETPL and related eligibility procedures ensure the accountability, quality, and labor-market relevance of programs offered by training providers that receive funds through WIOA. WIOA outlines the responsibilities of the Governor, the State Workforce Innovation Board (SWIB) and state agencies in creating and maintaining a list of eligible training providers.

WIOA also emphasizes Registered Apprenticeship programs and opportunities in a more robust manner than WIA by minimizing requirements for program sponsors and their providers of related instruction. Under WIOA, any registered apprenticeship program that agrees to be part of the Montana ETPL will remain on the ETPL as long as the program remains registered or the sponsor no longer wishes to be part of the ETPL. The reduced requirements are a clear signal of Congressional intent and, ideally, the State would like to see all registered apprenticeship program sponsors in Montana on the statewide ETPL.

Scope: This policy applies to all service providers operating WIOA programs, training providers, WIOA program managers, WIOA fiscal officers and the WIOA monitoring team. This policy is effective November 23, 2016.

Definitions:

- **Eligible Training Provider** is a provider of training services who has met the eligibility requirements to receive WIOA Title I Adult and Dislocated Worker funds to provide training services to eligible individuals. Eligible training providers may also receive Title I Youth funds through ITAs under certain conditions (see Section B, Training Providers Subject to ETPL Requirements). Registered apprenticeship programs are automatically considered eligible training providers and are eligible for placement on the ETPL with the provision of minimal information.

	Text of Policy	Info Regarding Option
Option 1	<ul style="list-style-type: none"> • Program of Training Services is one or more courses or classes, or a structured regimen which lead to: <ol style="list-style-type: none"> 1. An industry recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state involved or the federal government, or an associate, baccalaureate, masters or doctorate degree, 2. Secondary school diploma or its equivalent, 3. Employment, or 4. Measurable skill gains toward a credential or employment. 	Montana has elected to expand upon the federal definition by including masters and doctorate degrees to be paid for with WIOA funds. The reasoning to expand the definition was to be able to further support participants that would be able to gain better employment with a high degree.
Option 2	<ul style="list-style-type: none"> • Program of Training Services is one or more courses or classes, or a structured regimen which lead to: 	Should Montana no longer offer the expanded definition,

	<ol style="list-style-type: none"> 1. An industry recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state involved or the federal government, an associate or baccalaureate degree, 2. Secondary school diploma or its equivalent 3. Employment, or 4. Measurable skill gains toward a credential or employment. 	the policy would then read as seen here.
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- **Recognized Postsecondary Credential** is a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate, baccalaureate, masters or doctoral degree.
- **Pre-Apprenticeship** is a program designed to prepare individuals to enter and succeed in registered apprenticeship programs. These programs have a documented partnership with at least one registered apprenticeship program sponsor and together, they expand the participant’s career pathway opportunities with industry based training coupled with classroom instruction.
- **Program Completer** is a participant who meets, finishes, graduates or completes all of the requirements of a training program.
- **Program Exiter** is a participant who leaves a program during a twelve-month period for any reason (excluding completers).

Policy:

- **Entities Qualified to Apply to be on the ETPL:** The following types of training providers are able to submit an application to receive WIOA Title I and Dislocated Worker funds to provide training to participants.
 - Institutions of higher education that provide a program of training that leads to a recognized postsecondary credential;
 - Entities that carry out programs registered under the National Apprenticeship Act;
 - Public or private training providers, including community-based organizations, joint labor management organizations, pre-apprenticeship programs that provide training, and occupational or technical training; and
 - Providers of adult education and literacy activities provided in combination with occupational skills training.

Registered Apprenticeship programs are exempt from most of the ETPL requirements.

- **Initial Eligibility and Application Process for all Providers except Registered Apprenticeship Programs:** Beginning October 1, 2015, training providers must apply for Montana’s ETPL by submitting an application for initial program eligibility. Eligibility will be granted for one year. Training providers may apply for initial program eligibility throughout the year.

A provider interested in applying for the ETPL shall submit the WIOA initial application to provide training services and a W-9 to the Montana Department of Labor and Industry. (link to application below)

The training provider may not receive WIOA funds until the provider is approved to be on the ETPL.

Training providers applying for initial program eligibility must provide the following information to be considered for Montana’s ETPL:

	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	1.A description of each program of training services to be offered;	Initial Eligibility Requirement 680.450 e 1-5 TEGL 41-14 6a

	<ol style="list-style-type: none"> 2. Information on cost of attendance; including costs of tuition and fees; 3. Whether the training program leads to an industry recognized certificate or credential, including recognized post-secondary credentials; 4. Whether the certificate or credential can be stacked with other credentials over time as part of a sequence to move an individual along a career pathway or up a career ladder; 5. Whether the provider has developed the training in partnership with a business and if so, which business; 6. Which in-demand industry sectors and occupations best fit with the training program; 7. A description of the prerequisites or skill and knowledge required prior to the commencement of training; 8. Social Security Numbers for all students, regardless of funding source; and 9. The degree to which training programs relate to in-demand industry sectors and occupations in the state. 	<ol style="list-style-type: none"> 2. This information is not required until the application for continued eligibility. MT feels requiring this information during the initial application will help case managers budget more effectively. Should a provider not submit this information it would result in an eligibility denial. 4. This information is not required by the feds at any point. MT would like to require this to include on the website of the ETPL to provide the participant with additional information. Should a provider not submit this information it would result in an eligibility denial. 7. This information is not required by the feds at any point. MT would like to require this so the case manager can provide the participant with additional information. Should a provider not submit this information it would result in an eligibility denial. 8. The state is required to report data on a quarterly basis to the feds obtained from the training provider pertaining to employment and wage 680.460g 1-4. MT has recognized that some training providers are unable to obtain the required wage and employment data and has made it a requirement for all providers to submit the SSN for all training programs to enable DLI to calculate the reporting data. Should a provider not submit the SSNs it would result in an eligibility denial.
Option 2	<ol style="list-style-type: none"> 1. A description of each program of training services to be offered; 2. Whether the training program leads to an industry recognized certificate or credential, including recognized post-secondary credentials; 3. Whether the provider has developed the training in partnership with a business and if so, which business; 4. Which in-demand industry sectors and occupations best fit with the training program; and 	<p>Should MT no longer make it mandatory to submit the information listed at #2, 4 and 7 above, the policy would then read as seen here.</p> <p>However, in option 1 above MT had intended to satisfy the requirement listed at 680.450 e 2 by requiring SSNs. This requirement still must be met, however this can be accomplished by</p>

	<p>5. Social Security Numbers for all students, regardless of funding source.</p> <p>6. The degree to which training programs relate to in-demand industry sectors and occupations in the state.</p>	<p>getting an assurance or MOU with the training provider to submit the data elements accurately and timely to the state. This would provide for a training provider to be on the ETPL initially. Should the training provider not submit the data, they would be removed from the ETPL.</p>
	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	<p>Social Security numbers must be provided for all students, by program of study, for the previous two calendar years (January 1 through December 31). Training providers that have not been in existence for at least two years will be required to provide student data for the time period available.</p>	<p>As stated above, the intent of the requirement is to meet the requirement at 680.460g 1-4 and TEGL 41-14 6a.</p>
Option 2	<p>Training providers must either agree to submit Social Security numbers for all students, by program of study, for the previous two calendar years (January 1 through December 31) or provide the data elements listed in the Performance and Data Requirements section on a quarterly basis:</p>	<p>This option would allow for providers to be on the ETPL, the state to meet its obligation of reporting and the training provider to have an option in how they provide the required data to the state.</p>

Once the application is submitted, the state will determine whether required information has been provided. The training provider will then be placed on Montana’s ETPL.

A service provider will be considered out of compliance if they send a participant to a training provider or training program that has not been approved.

- **Continued Eligibility for all Training Providers except Registered Apprenticeship Programs:**
- After the initial eligibility period of one year the training provider must submit an application for continued eligibility. Training providers must submit applications for continued program eligibility every two years and will expire two years from the approval date. The continued eligibility application is required for any program that has previously been on the list. Dropping off the lists for a period of time does not return a program to an initial eligibility status.
- Applications for continued eligibility must show the training program has the appropriate state licensure to operate a training program. The application must include the following (in addition to updating the information provided for initial eligibility):

	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	<ol style="list-style-type: none"> 1. The total number of participants enrolled in the program; 2. The total number of participants completing the program; 3. The total number of participants exiting the program; 4. Information on recognized post secondary credentials received by program participants; 5. Information on the program completion rate for such participants; 6. Description of how the provider will ensure access to training services throughout the state, including rural areas and through the use of technology; 7. Description of how training is provided to individuals who are employed and/or individuals with barriers to employment; and 	<p>Initial Eligibility Requirement 680.450 e 1-5 TEGL 41-14 6a</p> <ol style="list-style-type: none"> 1. This information is not required by the feds for continued eligibility. The state is required to acquire this data from providers quarterly for reporting purposes. Should a provider not submit this information it would result in eligibility termination.

	<p>8. Information reported to state agencies on training programs other than programs within WIOA.</p>	<p>2. This information is not required by the feds for continued eligibility. The state is required to acquire this data from providers quarterly for reporting purposes. Should a provider not submit this information it would result in eligibility termination.</p> <p>3. This information is not required by the feds for continued eligibility. The state is required to acquire this data from providers quarterly for reporting purposes. Should a provider not submit this information it would result in eligibility termination.</p> <p>5. This information is not required by the feds for continued eligibility. The state is required to acquire this data from providers quarterly for reporting purposes. Should a provider not submit this information it would result in eligibility termination.</p>
<p>Option 2</p>	<p>1. Assurance from training provider that performance accountability measures described in WIOA secs. 116 b 2 A i l-IV and the other matters required by WIOA sec 122 b 2 will be submitted appropriately, accurately and timely;</p> <p>2. Information on recognized post secondary credentials received by program participants;</p> <p>3. Description of how the provider will ensure access to training services throughout the state, including rural areas and through the use of technology;</p> <p>4. Description of how training is provided to individuals who are employed and/or individuals with barriers to employment; and</p> <p>5. Information reported to state agencies on training programs other than programs within WIOA.</p>	<p>Should Montana no longer require specific data at the time of the continued eligibility application, the application should then require an assurance that the data (or SSNs) required for quarterly reporting will be submitted appropriately, accurately and timely; failure to do so will result in termination of eligibility.</p>

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- **Transition of Eligible Training Providers from WIA to WIOA:** The WIA ETPL will remain in place until all training providers have been transitioned to the WIOA ETPL. During program year 2016, minimum performance targets will not be set as eligibility criteria for training programs to remain on the ETPL.
- **Registered Apprenticeship Programs:** Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the state that it no longer wants to be included on the list. Registered Apprenticeship programs

1 are not subject to the same application and performance information requirements; a period of initial eligibility
2 or initial eligibility procedures because they go through a detailed application and vetting procedure to become
3 a Registered Apprenticeship program. The following information will be required from all current and future
4 Registered Apprenticeship programs:

- 5 ○ Occupations included within the Registered Apprenticeship program;
- 6 ○ The name and address of the Registered Apprenticeship program sponsor;
- 7 ○ The name and address of the related technical instruction provider, and the location if different from
8 sponsors' address;
- 9 ○ The method and length of instruction;
- 10 ○ The number of active apprentices; and
- 11 ○ A form W-9 for the sponsor.
- 12 ● Any Registered Apprenticeship program sponsor taking an application is to be considered an in-demand
13 occupation by default.
- 14 ● When a Registered Apprenticeship program is using a third party vendor for training purposes, the training
15 vendor must apply for and receive ETP status on its own merits.
- 16 ● Pre-apprenticeship programs do not have the same automatic ETP status.
- 17 ● **Performance Report Requirements:** The program specific performance information submitted to the state from
18 the training provider must include the following:
 - 19 ○ The state primary indicators of performance for activities provided under the adult and dislocated
20 worker programs including:
 - 21 ■ The percentage of WIOA program participants who are in unsubsidized employment during the
22 second quarter after exit from the program;
 - 23 ■ The percentage of WIOA program participants who are in unsubsidized employment during the
24 fourth quarter after exit from the program;
 - 25 ■ The median earnings of WIOA program participants who are in unsubsidized employment during
26 the second quarter after exit from the program;
 - 27 ■ The percentage of WIOA program participants who obtain a recognized post-secondary
28 credential, or a secondary school diploma or its recognized equivalent, during participation in or
29 within 1 year after exit from the program;
 - 30 ○ Information identifying the recognized post-secondary credentials received by WIOA participants;
 - 31 ○ Program cost information, including tuition and fees, for WIOA participants in the program;
 - 32 ○ Information on the program completion rate for WIOA participants;
 - 33 ○ Information specifying levels of performance achieved with respect to all individuals engaging in a
34 program of study (or the equivalent) to include [WIOA sections 116 d 4](#) :
 - 35 ■ The percentage of program of study participants who are in unsubsidized employment during
36 the second quarter after exit from the program;
 - 37 ■ The percentage of program of study participants who are in unsubsidized employment during
38 the fourth quarter after exit from the program;
 - 39 ■ The median earnings of program of study participants who are in unsubsidized employment
40 during the second quarter after exit from the program;
 - 41 ■ The percentage of program of study participants who obtain a recognized post-secondary
42 credential, or a secondary school diploma or its recognized equivalent, during participation in or
43 within 1 year after exit from the program; and
 - 44 ○ The total number of individuals (regardless of pay source) exiting from the program of study (or the
45 equivalent).
- 46 ● If no data is available, the provider must start tracking required data and submit all data the first full quarter
47 after placement on the list.

- Eligible Training Provider Exceptions:** There are several exceptions to the required use of the ETPL. In situations covered by these exceptions a contract for services may be used to provide for training in lieu of the ETPL process of eligibility. Exceptions:
 - Providers of on-the-job training;
 - Customized training;
 - Incumbent worker training;
 - Internships;
 - Paid or unpaid work experience;
 - Transitional employment;
 - Training of multiple individuals in high-demand industry sectors or occupations (a cohort of employers training multiple people);
 - Participants solely enrolled in a Trade Adjustment Assistance (TAA) program may choose a training provider that is not on the ETPL. However, if a participant is co-enrolled in TAA and WIOA the exemption will only still apply when TAA funds the training. Conversely, when a participant is co-enrolled and WIOA funds the training the training must be listed on the ETPL.
 - Short-term prevocational training of approximately one week or less which does not provide an industry-recognized certification or credential upon completion.

	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	Where the State Workforce Innovation Board (SWIB) determines there are an insufficient number of providers in the local area.	This is an allowable exception so long as the SWIB defines a process for making this determination.
Option 2		Should the SWIB wish to not include this exception, no mention of the exception will be listed in the policy.
	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	Where the State Workforce Innovation Board (SWIB) determines that a community-based organization or nonprofit whose primary mission is to serve individuals with barriers to employment provides effective training.	This is an allowable exception so long as the SWIB defines a process for making this determination.
Option 2		Should the SWIB wish to not include this exception, no mention of the exception will be listed in the policy.
	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	Circumstances in which a pay-for-performance contract is appropriate.	This is an allowable exception so long as the SWIB defines a process for making this determination.
Option 2		Should the SWIB wish to not include this exception no mention of the exception will be listed in the policy.

- Conditions for Removal from the ETPL:** The state may remove a program or programs from the list for failing to meet the established criteria or for not providing all required performance information for continued eligibility. Removal is also appropriate if the program has failed to attain or lost the accreditation required for professional licensure. A training provider that is removed from the list may reapply for continued eligibility when they can demonstrate that they meet all the requirements.

- Any providers that willfully supply false performance information, misrepresent costs or services, or substantially violate requirements of WIOA law will be removed from the ETPL by the state for a period of not less than 2 years. Providers are liable to repay all adult and dislocated worker funds received during the period of non-compliance.
- At a minimum the state will conduct a biennial review of providers on the list to assess providers failing to meet performance, reporting, or other requirement that may result in a provider being removed from the list.
- In the event of a training provider or a program of training services is removed from the list while WIOA participants are enrolled, the participants may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.
- **Appeal Process:** Training providers can choose to appeal the denial or termination of their program for inclusion on the ETPL, or its subsequent termination of eligibility. Training providers must submit their appeal in writing either by mail or email to the following address(s) within 14 days after the written notification of the decision.

Montana State Workforce Innovation Board
 PO Box 1728
 Helena, MT 59624-1728
 Or
swib@mt.gov

The appeal must include the justification for the appeal in their request. The training provider also has the right to request a hearing to discuss their appeal.

- The appeals procedure will allow for a review before a SWIB committee if requested and a decision will be made within 60 days of appeal. This will be a final decision and the program will be unable to reapply through the ETPL eligibility process for one year from the date of final notification by the state.
- **Out-of-State Training Providers:** WIOA funds may be used for approved programs from other states. Approved training providers and programs based in other states are not required to complete an application for approval in Montana. In order for a participant to obtain training through an out-of-state provider, the training provider must be listed on a state maintained eligible training provider list from another state.
- All training providers and programs recognized by other states must meet Montana’s state criteria established for initial eligibility and performance criteria established by this policy must be met. A reciprocity agreement between Montana and the other state must be established prior to WIOA funds being issued to an out of state training provider or program.

	<u>Text of Policy</u>	<u>Info Regarding Option</u>
Option 1	<ul style="list-style-type: none"> • In the event that a reciprocity agreement is unable to be established between Montana and another state, WIOA funds may be issued to a training provider in another state when the following conditions are met: <ul style="list-style-type: none"> ○ The training program the participant is looking to attend is not offered by any eligible training providers in Montana; and ○ The training provider is in good standing on that state’s ETPL. 	Montana has would like to expand beyond the reciprocity agreement. This would allow for MT to send participants to training in states that will not/cannot sign a reciprocity agreement with us. The reasoning to expand the definition was to be able to further support participants with options in training.
Option 2	<ul style="list-style-type: none"> • In the event that a reciprocity agreement is unable to be established between Montana and another state, WIOA funds may not be issued to a training provider in another state. 	Should Montana no longer offer to send participants to training in others states when that state is unwilling to send their participants to our state,

1 **Administrative Requirements:**

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- 3 • **Reporting Requirements:** The state shall collect data from the ETPs quarterly to combine with the following data
4 to submit the federal reports:
 - 5 ○ The total number of WIOA participants served by WIOA Youth, Adult, Dislocated Worker, Adult
6 Education, Employment Services under Wagner-Peyser and Vocational Rehabilitation;
 - 7 ○ The number of WIOA participants who received career and training services, respectively, during the
8 most recent program year and the 3 preceding program years, and the amount of funds spent on each
9 type of service;
 - 10 ○ The number of WIOA participants who exited from career and training services, respectively, during the
11 most recent program year and the 3 preceding program years;
 - 12 ○ The average cost per WIOA participant of those participants who received career and training services,
13 respectively, during the most recent program year and the 3 preceding program years;
 - 14 ○ The percentage of WIOA participants in an authorized program who received training services and
15 obtained unsubsidized employment in a field related to the training received;
 - 16 ○ The number of individuals with barriers to employment served by WIOA Youth, Adult, Dislocated
17 Worker, Adult Education, Employment Services under Wagner-Peyser and Vocational Rehabilitation,
18 disaggregated by each subpopulation of such individuals;
 - 19 ○ The number of WIOA participants who are enrolled in more than 1 of the Youth, Adult, Dislocated
20 Worker, Adult Education, Employment Services under Wagner-Peyser or Vocational Rehabilitation
21 programs; and
 - 22 ○ The percentage of the state’s annual allotment that the state spent on administrative costs.
 - 23 • **Dissemination of the ETPL:** The state shall disseminate the ETPL through modern technological means. The state
24 shall host the list on the its website located at <https://jobs.mt.gov/jobs/provider/provider.seek>.
 - 25 • **Technical Assistance:** The ETPL program manager shall offer assistance to service providers in utilizing the ETPL
26 for participants as well as assistance to training providers in initial eligibility, continuing eligibility and submission
of required data.

27 **Monitoring and Evaluation:**

- 28 • A formal monitoring will be conducted by the entity designated by SWIB. The monitor will evaluate the ETPL
29 program manager as well as the service provider utilization of the ETPL.

30 **References:**

- 31 • [Initial Application for ETPL](#)
- 32 • [Search Montana ETPL](#)
- 33 • [TEGL 41-14](#)
- 34 • [CFR 680.400 - 680.530](#)
- 35 • [WIOA sections 116 and 122](#)