



Montana Department of LABOR & INDUSTRY

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Category: WIOA
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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 until the sponsor no longer wishes to be part of the 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 *pending approval*.

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. Registered apprenticeship programs are automatically considered eligible training providers and are eligible for placement on the ETPL with the provision of minimal information.
- **Program of Training Services** is one or more courses or classes, or a structured regimen which lead to:
 - 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;
 - Secondary school diploma or its equivalent;
 - Employment; or
 - Measurable skill gains toward a credential or employment.

- **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 or baccalaureate 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 client's career pathway opportunities with industry based training coupled with classroom instruction.
- **Program Completer** is a client who meets, finishes, graduates or completes all of the requirements of a training program.
- **Program Exiter** is a client 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 funds to provide training to clients.
 - 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. Programs will be placed on the ETPL effective the date they are approved.

A training-service provider applying for Montana's ETPL will submit the application for initial eligibility found on <https://montanaworks.gov/> and a W-9 to the Montana Department of Labor & Industry.

- At minimum, training providers applying for initial program eligibility must provide the following verifiable, program-specific performance information to be considered for Montana's ETPL:
 - The type of training entity, such as institution of higher education or public or private providers of training services.
 - The name and a short description of each program of training services to be offered. The description may include course prerequisites and learning outcomes.
 - The potential outcome of training services; i.e. industry-recognized certification or unsubsidized employment during 2nd and 4th quarters after exit and credential attainment.
 - Whether the provider partners with a specific business.
 - Alignment of training services with in-demand industry sectors and occupations.
 - Other information may be required; i.e. information related to the quality of training services that lead to a recognized post-secondary credential.
 - Social Security Numbers for all students, regardless of funding source.
- Montana Department of Labor & Industry will review complete applications to determine eligibility. Once approved in Montana, training providers will be eligible for WIOA funding.

Continued Eligibility for all Training Providers except Registered Apprenticeship Programs:

- Training providers must submit applications for continued program eligibility annually and will expire one year from the approval date.
- Training providers applying for continued program eligibility must provide the verifiable, program-specific performance information requested on <https://montanaworks.gov/> to be considered for Montana's ETPL,
- 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.
- The training provider may not receive WIOA funds until the provider is approved to be on the ETPL.

Registered Apprenticeship Programs:

- Registered Apprenticeship program sponsors and the any training provider the sponsor is utilizing 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 are not subject to the same application and performance information requirements or initial eligibility procedures owing to the detailed application and vetting procedure to become a Registered Apprenticeship program. The following information will be required from all current and future Registered Apprenticeship programs:
 - Occupations included within the Registered Apprenticeship program;
 - The name and address of the Registered Apprenticeship program sponsor;
 - The name and address of the related technical instruction provider, and the location if different from sponsors' address;
 - The method and length of instruction;
 - The number of active apprentices; and
 - A form W-9 for the sponsor.
- Any Registered Apprenticeship program sponsor taking an application is to be considered an in-demand occupation by default.
- Pre-apprenticeship programs do not have the same automatic ETP status.

Performance Report Requirements:

- Program-specific data submitted by Eligible Training Providers (ETPs) to the state must include the following:
 - Primary indicators of performance for activities provided under the Adult and Dislocated Worker programs:
 - The total number of WIOA program clients who are in unsubsidized employment through wage record match or other supplemental means during the second quarter after program exit;
 - The total number of WIOA program clients who are in unsubsidized employment through wage record match or other supplemental means during the fourth quarter after program exit;
 - The median earnings of all WIOA program clients who are in unsubsidized employment during the second quarter after program exit. This indicator also includes WIOA participants who are verified to be self-employed.
 - The total number of WIOA program clients who obtained a credential within one year after exit from the program. This includes:
 - WIOA program clients who attained a recognized post-secondary credential during the program or within one year after program exit; OR
 - WIOA program clients who attained a secondary diploma or its recognized equivalent during the program or within one year after exit AND were also employed or enrolled in an education and training program leading to a recognized post-secondary credential within one year after program exit.

- Information identifying the recognized post-secondary credentials received by WIOA clients;
- Program cost information, including tuition and fees, for WIOA clients in the program;
- Information specifying levels of performance achieved by all program individuals (WIOA and non-WIOA) who engaged in a program of study:
 - The total number of individuals enrolled in program during the reporting period;
 - The total number of individuals who completed, withdrew, or transferred from this program during the reporting period;
 - The total number of individuals who did not withdraw or transfer from this program during the reporting period;
 - The total number of individuals who are in unsubsidized employment through wage record match or other supplemental means during the second quarter after program exit;
 - The total number of individuals who are in unsubsidized employment through wage record match or other supplemental means during the fourth quarter after program exit;
 - The median earnings of all individuals who are in unsubsidized employment during the second quarter after exit from the program. This includes all program clients who are verified to be self-employed.
 - The total number of all program clients who obtained a credential within 1 year after exit from the program. This includes:
 - Individuals who attained a recognized post-secondary credential during the program or within one year after program exit; OR
 - Individuals who attained a secondary diploma or its recognized equivalent during the program or within one year after exit AND were also employed or enrolled in an education and training program leading to a recognized post-secondary credential within one year after program exit.
 - The average earnings of all individuals in the program of study who are in unsubsidized employment during the second quarter after exit.
 - The average earnings of all individuals in the program of study who are in unsubsidized employment during the fourth quarter after exit.

● If no data is available, the provider must start tracking required data and submit all data the first full quarter after placement on the list.

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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;
 - Clients solely enrolled in a Trade Adjustment Assistance (TAA) program may choose a training provider that is not on the ETPL. However, if the client is co-enrolled in TAA and WIOA and WIOA funds the training, the training provider must be listed on the ETPL.
 - Where the State Workforce Innovation Board (SWIB) determines there are an insufficient number of providers in the local area. A provider must meet the following criteria to be considered for the exemption:
 - No other training provider currently listed on the states ETPL within a 90 mile radius offers the program of training; and

- The program of training is not offered online from a training provider currently listed on the states ETPL.
 - 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 training that results in 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 or a secondary school diploma or its equivalent.

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 clients are enrolled, the clients 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 WIOA 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 client 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.

- 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:
 - The training program the client is looking to attend is not offered by any training providers or eligible training providers in Montana; and
 - The training provider is in good standing on that state's ETPL.

Administrative Reporting Requirements:

- The state will collect data from Eligible Training Providers (ETPs) quarterly. That data, combined with detailed information about training providers, outcome information about all individuals and WIOA participants served by the training providers, and demographic information about WIOA participants, will be reported annually using the ETP Reporting Template (ETA-9171). The following information will be included:
 - The total number of WIOA participants, as defined in 20 CFR part 677.150 (a), who received training services in programs of study through WIOA adult and dislocated workers programs during the reporting period.
 - The total number of WIOA participants, as defined in 20 CFR part 677.150 (a), who received training in programs of study through WIOA adult and dislocated workers programs and who completed, withdrew, or transferred from the program during the reporting period.
 - The total number of participants, as defined in 20 CFR part 677.150 (a) and identified in the program of study, who received Title I funding via an ITA during the reporting period.
 - The total number of WIOA participants, as defined in 20 CFR part 677.150 (a), who received training services in this program of study through a funded ITA and who completed, withdrew, or transferred from the program of study during the reporting period.
 - The total number of WIOA participants who did not withdraw or transfer out from the program of study during the reporting period.
 - The sum total of all WIOA ITA funds expended by the state for all WIOA participants, in all programs of study, during the reporting period.

Dissemination of the ETPL:

- The state will disseminate the ETPL through modern technological means. The state will host the list on the its website located at <https://montanaworks.gov/>.

Technical Assistance:

- The ETPL program manager will offer assistance to service providers in utilizing the ETPL for clients as well as assistance to training providers in initial eligibility, continuing eligibility and submission of required data.

Monitoring and Evaluation:

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

References:

- montanaworks.gov.
- [TEGL 41-14](#)
- [TEGL 03-18](#)
- [20 CFR 677.150 \(a\)](#)
- [20 CFR 680.400 - 680.530](#)
- [WIOA sections 116 and 122](#)
- [ETP Reporting Template \(ETA-9171\)](#)