NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL POLICY

ELIGIBLE TRAINING PROVIDERS

POLICY 2-06-01 (2)

PURPOSE:

This Policy provides new information, criteria, and procedures to implement the Eligible Training Provider (ETP) requirements in the transition from the Workforce Investment Act of 1998 to the Workforce Innovation and Opportunity Act (WIOA) of 2014.

POLICY:

A. Training Providers Subject to ETP List Requirements
The following types of training providers are subject to the ETP list requirements in order to receive WIOA Title I Adult and Dislocated Worker funds to provide training services to eligible adult and dislocated worker individuals through Individual Training Accounts (ITA). ITA's may also be used for WIOA Title I Youth funds to provide training to older, out-of-school youth (ages 18-24).
1. Institutions of higher education that provide a program of training that leads to a recognized postsecondary credential;
2. Public or private training providers, including joint labor-management organizations, and occupational/technical training; and
3. Providers of adult education and literacy activities provided in combination with occupational skills training.

Postsecondary institutions located in Minnesota, Montana, and South Dakota are eligible to receive North Dakota ITA's based on reciprocal agreements. Post-secondary institutions outside of North Dakota that offer online training/distance education may be authorized to receive ITA's as long as the training program is listed on the home state's ETP list.

B. Initial Eligibility and Application Process
Beginning in October 2015, training providers that were not eligible providers under WIA may submit an application for initial eligibility, which can be granted for up to one full calendar year (January 1 – December 31).

1.) All applications for the ETP list will be completed using a link available on jobsnd.com. The following information is required:
   - Training provider applications must include verification documentation that the training provider is licensed, certified, or authorized by the North Dakota Department of Higher Education, or the relevant state agency with oversight, to operate training programs in North Dakota. If a program is **not** in compliance with the oversight

agency as required by state law, the provider will not be able to apply for inclusion on the ETP list until they meet the necessary requirements.

- If a provider is in compliance with the oversight agency, the provider can proceed to #2 in the application process.

2.) Training providers applying for initial program eligibility must provide the following with the application:

   a) A description of each program of training services to be offered;
   b) Information on cost of attendance, including costs of tuition and fees;
   c) Whether the training program leads to an industry-recognized certificate or credential, including recognized post-secondary credentials;
   d) Whether the provider has developed the training in partnership with a business (and the name of the business);
   e) The in-demand industry sectors and occupations that best fit with the training program;
   f) The type of credential attained by all students in the program;
   g) Social security numbers (SSNs) for all students in the programs listed on the application, regardless of the funding source.

NOTE - SSNs will be used to generate the required annual WIOA wage and employment performance reports. Job Service North Dakota will access SLDS data to generate these reports for institutions in the North Dakota University System.

Social security numbers must be provided for all students by program listed in the application for the previous two calendar years (January 1 – December 31) regardless of the funding source. Training providers that have not been on the ETP list for at least two years will be required to provide student data for the time period available.

Once the application is submitted and the state has determined that the required information is available, the state will approve, deny, or request further information on the program within 30 days of the receipt of a complete application. The state will notify the provider of the determination.

Registered apprenticeship programs are not subject to the eligibility criteria or application requirements. While registered apprenticeship programs are automatically eligible, not all registered apprenticeship sponsors may wish to be included on the list. Registered apprenticeship programs will automatically be included on the State list unless they indicate they do not wish to be included or until they lose their registration.

C. Continued Eligibility

After the initial eligibility period of one full calendar year, training providers must submit applications for continued program eligibility every two years. Applications for continued eligibility must be submitted by October 1st for the year in which eligibility expires. The continued eligibility application is required for any program that has previously been on the list.

The SLDS will be used to generate performance information for institutions in the North Dakota University System. For training institutions not participating in SLDS, the following information must be submitted to JSND.

TrainND, Private training providers, and **Tribal colleges** must include the following:
   a) The total number of participants enrolled in the program;
   b) The total number of participants completing the program;
   c) The total number of participants exiting the program;
   d) Information on recognized post-secondary credentials received by program participants;
   e) Information on the program completion rate for such participants;
   f) Social security numbers for all participants by program listed on the application for the two previous years, regardless of funding source, which will be used to calculate the performance measures listed in **Attachment 1**.

NOTE - SSNs will be used to generate the required annual WIOA wage and employment performance reports. Job Service North Dakota will access SLDS data to generate these reports for institutions in the North Dakota University System.

All training/education providers must include the following:
   g) Applications for continued eligibility must include verification documentation from the appropriate oversight agency to operate in North Dakota.
   h) Description of how the provider will ensure access to training services throughout the State, including rural areas and through the use of technology;
   i) Description of how the providers provide training services to individuals who are employed and/or individuals with barriers to employment;
   j) Information reported to State agencies on Federal and State training programs other than programs within WIOA title I-B; and

D. Transition of Eligible Training Providers under WIA
To ensure a smooth transition to WIOA, eligible training providers under WIA may continue to be eligible until June 30, 2016 and the current ETP list will remain in place until that date. Beginning In October 2015, current eligible training providers may begin applying for continued eligibility in the new system. **All eligible training providers under WIA must re-apply in the new system to remain eligible after June 30, 2016, under the continued eligibility procedures in Section C.** Current eligible providers are strongly advised to review the new requirements for continued eligibility, particularly the requirement that programs be authorized to operate in North Dakota by their state oversight agency, so they can prepare immediately for the transition to WIOA.

We anticipate the new WIOA-compliant ETP list and online platform will launch with the newly entered data from training providers by July 1, 2016, assuming no delays in the new-system development.

During 2016, minimum performance targets will not be set as eligibility criteria for training programs to remain on the ETPL. Performance information for each program will be posted on the ETPL to help consumers make an informed decision. Once the transition from WIA to WIOA is completed, this policy will be revised to establish minimum performance targets for programs for 2017 to remain on the ETPL.

E. Performance Requirements

The performance information required is outlined in **Attachment 1**. Social security numbers must be provided for all students in programs included on the application in North Dakota for the previous two calendar years (January 1 – December 31) regardless of the funding source. The electronic system will provide a secure means to transmit the data file. Training providers that have not been on the ETP list for at least two years will be required to provide student data for the time period available. Social security numbers for all North Dakota students will continue to be required annually and will be used to calculate the performance measures. Performance information will be published online for each training provider on the ETP list. Programs with less than 10 students enrolled will not be included in performance data.

F. Conditions for Removal

The state may remove a program or programs from the list for failing to meet the established criteria or performance levels in this policy, or for not providing all required performance information for subsequent 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 for the reasons stated above may re-apply for continued eligibility when they can demonstrate that they meet all the requirements.

The state must remove from the eligibility list for a period of not less than 2 years any providers that willfully supply false performance information, misrepresent costs or services, or that substantially violate requirements of WIOA law or regulations. Providers are liable to repay all adult and dislocated worker funds received during the period of non-compliance.
No training provider debarred by the Federal Government may be permitted to be placed or remain on the ETP list.

In the case of a training provider or a program of training services that 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.

G. Appeal Process

Training providers can choose to appeal the rejection of their program for inclusion in the ETP list or its subsequent termination of eligibility. For any appeal by a training provider, an appeal must be submitted in writing via email within 14 days after notification of the decision. 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.

An ETP list appeals board will be assembled. The appeals board will schedule a hearing if requested and make a decision within 60 days of appeal. This will be a final decision and the program will be unable to reapply through the ETP list eligibility process for one year from the date of final notification by the ETP list appeals board.

REFERENCE:

    (0)   NDWDC minutes dated July 21, 2015
    (1)   NDWDC minutes dated October 13, 2015
    (2)   Amended by WIOA Liaison for the Governor dated December 30, 2015

REVIEW: October 13, 2018

Attachment 1

REQUIRED PERFORMANCE DATA

The following information is required for all applications for continued eligibility. Outcomes will be determined based on the student Social Security Numbers provided for each program. The SSNs will be matched to North Dakota wages and WRIS II data to generate reports for each program with the following information:

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program

2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program

3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program

4. The percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program