

Subject

Local WIOA Training Provider Eligibility Policy

Date

April 18, 2016

Purpose

To define the standards and procedures for training providers applying under DuPage County Local Workforce Area (LWA) 06 for Initial and Continued Eligibility to receive WIOA Title I funds.

References

The Workforce Innovation and Opportunity Act (WIOA) of 2014, sections 116, 122, 188, applicable WIOA rules and regulations, Illinois Department of Commerce and Economic Opportunity policy letter 15-WIOA-5.3

Background

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014, to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. The WIOA supersedes the Workforce Investment Act (WIA) of 1998, and sets forth new requirements for training provider eligibility and program evaluation. The workforce development system established under WIOA emphasizes access to job-driven, high quality training to help job seekers acquire industry-recognized credentials for in-demand jobs. To that end, WIOA establishes new performance indicators for training providers based on required data for participant outcomes.

The DuPage County Workforce Development Division (referred to in this letter as “WDD”)/LWA 06 is issuing this local policy in order to ensure accountability and compliance with WIOA training provider eligibility policies issued by the Illinois Department of Commerce and Economic Opportunity and by the DuPage County Workforce Board (also referred to in this letter as the “Local Board”, or “Board”).

I. Training Provider Policy:

A. Provider Eligibility Overview

- Training providers seeking eligibility to receive WIOA Title I funds are required to submit an initial eligibility screening application to WDD for review. Information necessary to complete a detailed training provider application and submit programs for approval will be sent if the school/institution meets minimum requirements. Upon approval from the Local Workforce Board, the training provider and program will go on the state WIOA Eligible Training Provider List (“ETPL”) for a period of one year. After the first year of “Initial Eligibility”, providers must apply for “Continued Eligibility” approval and submit program-specific outcome and performance data for review. While on the ETPL, providers are required to submit an updated application for any programs in which changes in program cost and/or any revisions to the program curriculum have occurred. Training providers must comply with all Local Board requirements and procedures in place for determining program eligibility.
- All training providers who offer programs that function as preparation for any state or national certification, licensure, or industry standard **must** show proof of recognition by the appropriate accrediting/certifying body at the time of application. Also, the provider must be in compliance and good standing with any and all certifying bodies, or entities granting approval or recognition (*examples would be a provider of LPN training being in good standing with the Illinois Department of Financial and Professional Regulation, or a commercial truck driving school maintaining approval by the Illinois Secretary of State*).
- Training programs must be occupational in nature in high growth/high demand industries/occupations within Illinois’ Economic Development Region 4 (Chicago-Metro area), based on the State of Illinois Demand Occupation Training List (DOTL).
- All programs of study **must** lead to training-related jobs and to the attainment of an industry recognized credential, occupational skill certificate, and/or licensure.

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B. Provider Eligibility Criteria

The following criteria will apply to all schools, businesses and other entities seeking to become a WIOA-eligible training provider:

1. Providers must have a legal and good standing business, implementing training program(s) at the current location for a minimum of one year.
2. Colleges, universities and technical schools must be accredited by the Illinois Community College Board (ICCB), Higher Learning Commission (formerly NCA-CASI), The Illinois Board of Higher Education (IBHE) or other post-secondary accrediting body recognized by the state or U.S. Department of Education. Providers of apprenticeship training must be accredited and approved by the USDOL Office of Apprenticeship.
3. All other businesses, community based agencies, proprietary schools or other training providers (that are not accredited by one of the entities mentioned above) must meet **both** of the following requirements:
 - a. Providers of training that are not under the oversight of an accrediting body mentioned above, **must** refer to the Private Business and Vocational Schools Act of 2012 (Public Act 97-650,105 ILCS 426) and contact the Illinois Board of Higher Education (IBHE) to determine whether the provider is required to seek authorization to operate as a Private Business Vocational School(PBVS) from the IBHE. If the provider is required to have authorization from the IBHE, then the provider **must document** that it has received such authorization and that it is current and in good standing. If the provider is exempt, then it **must** provide documentation of exempt status.
 - b. If the individual training program(s) being submitted for WIOA eligibility has been recognized as meeting the standards necessary for approval or accreditation, when such standards exist, and by an entity that sets the standards for the industry (e.g., CompTIA, PMI, ASE), then the provider must submit documentation of this recognition.
4. All training providers seeking approval must have a physical location to provide training, with very rare exceptions. If training is to be provided only via on-line/distance learning, the provider may apply for an exception to this rule, but must provide justification for this. The provider must explain how exclusively on-line training will still equip the participant with the necessary skills, industry-recognized credential(s), and access to job opportunities. The provider must agree to monitor student progress and verify student attendance. The provider must document how this will be done. The provider must also agree to provide progress, outcome and attendance verification for WIOA participants WDD has enrolled in the program(s). On-line providers without physical location are still subject to the requirements above in Section B.1, 2. and 3. After a review of the information submitted, DuPage WDD and the Local Board will determine whether or not to approve a provider with no physical location.
5. To be eligible for WIOA Individual Training Accounts(ITAs), the provider's training programs must be open to the public, have published catalog price structures, and are not solely dedicated to WIOA participants.
6. Providers must meet the requirements of WIOA 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 WIOA Title I financially-assisted program or activity. Providers must therefore give assurances that they will comply with the non-discrimination and equal opportunity provisions of the following laws:
 - a. Title VI of the Civil Rights Act of 1964, as amended
 - b. Section 504 of the Rehabilitation Act of 1973, as amended
 - c. The Americans with Disabilities Act (ADA) of 1990
 - d. The Age Discrimination Act of 1975, as amended
 - e. Title IX of the Education Amendments of 1972, as amended
 - f. 29 CFR Part 37 and all other regulations implementing the laws listed above

***This assurance applies to the grant applicant's operation of the WIOA Title I financially-assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I financially-assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.*

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B. Provider Eligibility Criteria (continued)

7. Providers must assure that the training site and facilities are accessible to persons with disabilities, and reasonable accommodations will be made for the provision of services to disabled individuals
8. Multiple training site location approval—within Illinois: The Training Provider seeking WIOA eligibility will only be approved for programs located in DuPage County. Sites located outside of DuPage County will be considered for approval in the following situations:
 - a. A DuPage County WIOA participant has been approved to attend training at a location outside of DuPage County.
 - b. The Local Workforce Area (LWA) or Workforce Board, where the Training Provider's site or main office is located, has accepted responsibility for the monitoring and site visit of that provider's local site and agrees to submit the site visit information to DuPage Workforce Development Division (WDD) office.
9. Out-of state training providers: Providers without a location in Illinois will be considered for WIOA approval only under the following circumstances:
 - a. It has been determined (documented by the WIOA staff's assessment of the applicant) that *no other compatible training* is available in Illinois and that it would be in the best interest of the applicant to attend the out-of-state provider.
 - b. The program(s) being submitted will lead to growth occupations and industry-recognized credentials as defined by Illinois' and LWA 06's WIOA provider eligibility policies.
 - c. The out-of state provider must *currently* be approved as a WIOA-eligible provider on the ETPL in the state in which the provider is located. This must be documented.
 - d. The LWA/Workforce Board in the state that has determined the provider eligible in that state must provide DuPage WDD with assurance that they have and will conduct training program and site monitoring. The results of any program and site monitoring of the provider must be shared with DuPage WDD.
10. Providers that are on the Illinois WIOA Eligible Training Provider List (ETPL) and being maintained by an LWA other than DuPage County/LWA 06, may receive WIOA funds from DuPage WDD when the provider has submitted:
 - a. A copy of the school catalog with course descriptions and program costs
 - b. A copy of the provider's refund policy
 - c. Copies of all accreditation, certification, or approval documents that apply.
11. All training providers will be subject to routine site monitoring by the Workforce Board and/or DuPage WDD to ensure compliance with the requirements of the federal, state and local WIOA provider policies and the related provisions of WIOA. Routine onsite reviews of the provider will be completed to evaluate the:
 - a. physical location and facilities
 - b. Quality of instruction, learning environment, materials and resources
 - c. Accessibility and ADA/EO compliance
12. The Workforce Board and DuPage WDD will also conduct annual evaluations of all eligible training programs, to ensure training providers have maintained all criteria for which they were determined eligible and that all eligible training programs have met the required performance measures as outlined in section I. C. and I.D. of this policy letter. Training providers must provide assurance that they will cooperate with monitoring requirements, including participation in program monitoring and site monitoring visits conducted by DuPage WDD, or the Workforce Board. The provider must also agree to submit student required outcome and performance data as outlined in this policy, and assure the timely and accurate reporting of that data.

C. Provider and Program Application for Initial Eligibility

The DuPage Workforce Development Division (WDD) will accept an application from training providers that have their primary training site and/or corporate headquarters located within DuPage County. Training providers seeking approval from DuPage WDD for inclusion on the state's WIOA Eligible Training provider List (ETPL) must complete

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the Initial Training Provider Application, which can be accessed at www.worknetdupage.org. Or email the completed application or any questions to: providers@worknetdupage.org

1. **Initial Eligibility:** New providers (except Registered Apprenticeship programs) that have not previously been determined eligible under WIA or WIOA, will be seeking “Initial Eligibility” under WIOA, and must submit verifiable program-specific performance information, as available, with their applications. This includes the following:
 - a. A detailed description of each training program to be considered, including all costs associated with the program (tuition, books, fees, certification exams, etc.). The program content and costs must be published in a school catalog—if the school has no printed catalog, it must have a catalog on its website. If the catalog is located on a website, the provider’s refund policy, program and course information and all related costs must be *clearly and easily* located by anyone viewing the site.
 - b. Describe how the training program is aligned with in-demand industries and occupations. Identify the industry sectors and occupations in which students will be employable upon completing the training.
 - c. List any/all certificates or licenses to be earned through the training program and provide supporting information to demonstrate that these would be industry-recognized credentials.
 - d. Describe in detail the training provider’s partnerships with businesses
 - e. Describe how the provider plans to assist participants with their post-training job search and in accessing employment opportunities
 - f. Providers must have a written policy stating its compliance with all of the non-discriminatory and equal opportunity laws and regulation described above in I.B.6
 - g. Verification of the provider’s accreditation, authorization, licensure, or certification, when applicable, and/or documentation that the program(s) submitted are recognized by an entity setting the standards for the industry/occupation specific to the training.
 - h. Enrollment and Outcome Data—under WIOA, providers will be evaluated based on several categories of performance data that were not previously required under WIA (outlined below). The state continues to seek advisement from the U.S. Department of Labor (DOL) regarding the collection of this data and the performance goals to be assigned to each measure. Therefore, this policy is subject to change as further guidance from DOL and the state is received. At present, for new providers seeking WIOA Initial Eligibility, the following information will be required along with the provider’s application:
 - i. Total number of students enrolled within the last year (for each training program being submitted for WIOA eligibility). If the provider has been collecting this data for longer than one year, then it may submit the information for the previous year(s).
 - ii. Total number of students who successfully completed the training program.
 - iii. Number of students who attained the industry-recognized credential(s) related to the program
 - iv. Number of students who became employed in a training-related job during or after the program
 - v. Any specific student earnings and employment data that might be available, should also be provided (*e.g., starting wage, job titles, employer information for those students who entered employment after training*)
 - i. As part of the provider approval process, WDD staff will complete an interview and visit to the training site to discuss the following topics:
 - i. Physical location, training facility and resources
 - ii. Quality of instructors, programs, curriculum structure, student-to-teacher ratio
 - iii. Placement outcomes and earnings expectations of graduates
 - iv. Accessibility and Equal Opportunity (EO) compliance

Upon completion of the application, WDD and the Workforce Board will make a determination regarding approval of the provider and its programs for Initial Eligibility. It is possible that not all the provider’s programs will be approved. Deciding factors (in addition to the above) include: Placement rates, salaries of students placed in jobs, job availability in the local area and other unforeseen factors.

For programs that are approved for WIOA Initial Eligibility, after initial approval the training provider must maintain an 80% credential attainment rate and 75% training-related job placement rate for all participants in the previous twelve month period. WDD will conduct the first provider performance evaluation using WIOA participant reports and performance and outcome data collected and submitted by the training provider.

D. Program Requirements for Continued Eligibility:

Programs that are approved for WIOA-funded training receive Initial Eligibility status for only one year. Once a provider has been granted Initial Eligibility approval, it is required that all programs then seek renewal or “Continued Eligibility” before the Initial Eligibility period expires. The provider should apply for Continued Eligibility of each program on the ETPL within the sixty days prior to the date that is one year from the Initial Eligibility approval date. For example, if a training program received Initial Eligibility on June 01, 2016, the provider must submit the intent to renew the program for continued eligibility, and the LWA (DuPage WDD) must review the program between April 01 and May 31, 2017. Also, providers should note that Eligible training programs will be subject to the Continued Eligibility approval process again if any significant changes occur to the program during the course of the year. This would prompt the need for WDD and the Board to review the program again and renew (if approved) the program’s eligibility status.

- 1. Required Performance Measures:** Similar to the requirements for Initial Eligibility, training providers are required to provide certain performance data for their training programs, when available, in order to apply for and maintain Continued Eligibility on the ETPL. To apply for Continued Eligibility, the following program-specific performance information is required for ALL students of the program—*this data should be collected and submitted for both WIOA and non-WIOA students:*
- a. Total number of students enrolled in the training program in the last year
 - b. Total number of completers (defined as a student who successfully completed the program of study in which they were enrolled)
 - c. Number of students who began the program of study compared to those who completed the program
 - d. 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) from this training program
 - e. Number of exiters who are employed during the second quarter after exit quarter;
 - f. Number of exiters who are employed during the fourth quarter after exit;
 - g. The median wage earned for exiters in the second quarter after exit;
 - h. Number of exiters who attained an industry-recognized credential from the program
 - i. The credential attainment rate for exiters for this training program

This information will be available to WIOA participants, allowing them to select the highest quality training programs from the ETPL.

*(*NOTE: All training providers are encouraged to, as soon as possible, begin development of a process to comply with this policy that would include a plan for identifying all students enrolled in specific programs of study and capable data system to track the performance of such enrollees. Illinois has received a temporary waiver from the US Department of Labor, granting an extension for the performance reporting deadline. It is anticipated that further guidance on performance data requirements will be available from the Illinois Dept of Commerce in calendar year 2019, and DuPage WDD will provide more detail as it becomes available. However, training providers should make every effort to provide as much data for as many of these measures as they are able. At this time, DuPage WDD will require, at a minimum, the completion, credential attainment and entered training-related employment rates for all participants. If the other data, outlined in section D.1. above, is not currently available, providers should plan for the ability to provide this data no later than July 1, 2019. After this date, training providers that cannot provide this data may not be eligible to remain on the Eligible Training Provider List.*

- 2. Previously Approved Providers:** Under WIOA, all transitionally eligible, or “grandfathered”, providers and programs are subject to the criteria, information, and application procedures for “Continued Eligibility”, as outlined above in section D.1. In consideration of the transition from WIA to WIOA, the state was allowed to extend the eligibility period of training providers and their programs that were on the ETPL, with “Approved” status as of July 01, 2015. These providers and approved programs that were previously eligible under Title I of WIA were “grandfathered” into WIOA during an allowable transition period, which will end on June 30, 2016. These providers may continue to receive ITA vouchers and provide services until the end of the transition period, but are required to apply, and be approved, for “Continued Eligibility” by June 30, 2016. **Transitional providers and programs that are not approved for Continuing Eligibility by June 30, 2016 will be removed from the Eligible Training Provider List (ETPL), and they will thus be required to re-apply for Initial Eligibility.

E. Application Review and Approval Schedule:

DuPage County Workforce Development Division (WDD) will accept *Initial Eligibility* applications from *new* providers at any time during the year.

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1. Initial Eligibility Timeline

- a. Once a provider has submitted a complete application with required information, a conditional approval or denial by DuPage WDD will take place within 30 days from the day of application. Official and final determination of eligibility will take place once the program has been reviewed by the DuPage Workforce Board, which should occur within 90 days of WDD’s conditional approval.
- b. If a program is not approved, it will be placed on the state’s “Capture” list. Programs on this list are available for 120 days in the event that another LWA/Workforce Board chooses to approve it for their Area.
- c. Unless the program was denied “for cause” (explained below), if no LWA/Board selects and approves it after 120 days, the program is removed altogether, and the provider may re-submit the program for approval after one year.

2. Continued Eligibility Timeline

- a. DuPage WDD must receive the provider’s intent to apply for Continued Eligibility of the program(s), along with all required program and performance information, in sufficient time to meet the eligibility requirements. If the application for Continued Eligibility of a program(s) and required information is not received within at least 30 days prior to the Continued Eligibility due date, this could delay the renewal of the program. This may also result in the program not receiving Continued Eligibility.
- b. DuPage WDD will have 90 days to review the program information and submit it to the Workforce Board for review and final approval. The program information submitted to the Board should include the following items:
 - i. An updated application for any programs in which changes in program cost and/or any revisions to the program curriculum, schedule, or structure have occurred.
 - ii. Required performance data, as outlined in I.D. of this policy
 - iii. Any additional information that DuPage WDD or the Board requests and deems pertinent to the review
- c. The Workforce Board will make a determination of eligibility for the training program(s) within 30 days of receiving the program application from DuPage WDD.
- d. If the program misses the deadline for, or is denied Continued Eligibility—except when the reason for denial is “for cause”—the program will be placed in the “Capture” list and the procedures described above in I.E.1.b and c. will apply.

3. Denial and Revocation of Eligibility

In accordance with WIOA, the eligibility of a training provider or its program(s) may be revoked and the training program removed from the ETPL under the following circumstances:

- a. Its annual performance fails to meet the minimum standards set by the State of Illinois or the Local Board for the WIOA performance measures (**Note: At this time, the State of Illinois has not set minimum performance measures other than the requirement to provide performance data, if available.**)
- 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 is no longer in good standing with the accrediting or authorizing entity under which the provider operates or under which the provider’s programs are recognized or approved
- d. The training provider substantially violated any requirement under WIOA or WIA
- e. Training programs removed from the ETPL due to reasons b., c., and d. shall remain off the ETPL for a period of not less than two years as determined by the LWA and Board; and may result in the following actions being taken against the training provider:
 - i. The eligibility of the training provider and/or all of its programs on the ETPL may be revoked;
 - ii. The eligibility of the provider to receive funds for the program in question may be terminated,
 - iii. Any disallowed costs may be recovered; and
 - iv. LWAs shall cease to enroll customers in program(s) that have been removed
 - v. The State of Illinois or Local Board may take any other action it deems appropriate
- f. Training programs removed from the ETPL due to failure in performance shall remain off the list for a period of not less than one year, at which time it may re-apply for continued eligibility

2. Reinstatement of Programs and Providers

If a provider and/or program was denied eligibility due to failure in performance, the provider may re-apply for eligibility after one year from its removal, if it has improved upon its overall performance and otherwise rectified any other conditions of their denial or revocation as an eligible training provider. The training provider

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must demonstrate it has corrected all performance and other deficiencies which resulted in their removal from the ETPL. If the program meets the minimum state or local performance standards (if established), along with any other eligibility criteria in place at the time of re-application, DuPage WDD and the Workforce Board may determine the program eligible and submit it for reinstatement on the statewide list of eligible training programs.

Additional information and further guidance regarding eligibility timelines, determinations, denials, appeals, and reinstatement can be found in the Illinois Department of Commerce's WIOA Training Provider and Program Eligibility Policy (15-WIOA-5.3), available at: www.illinoisworknet.com/dceopolicies. DuPage WDD and the DuPage Workforce Board will follow the procedures in the state's policy regarding those elements.

II. Inquiries:

For additional questions or technical assistance regarding this policy, providers may contact:

providers@worknetdupage.org