



COMMONWEALTH OF VIRGINIA
VIRGINIA COMMUNITY COLLEGE SYSTEM

WORKFORCE INNOVATION AND OPPORTUNITY ACT

**The Virginia Community College System
VIRGINIA WORKFORCE LETTER (VWL) No. 16-06, Change 1**

TO: Local Workforce Development Boards

FROM: George Taratsas
Administrator, Federal Workforce Programs

SUBJECT: **Eligible Training Provider and Programs List**

EFFECTIVE DATE: July 1, 2017

A handwritten signature in black ink, appearing to be "G. Taratsas", located to the right of the subject line.

PURPOSE:

The purpose of this letter is to provide Local Workforce Development Areas (LWDAs) with procedures and guidance on eligibility requirements for Eligible Training Providers (ETPs) and the programs they offer. This letter provides additional information on ETP program performance measurement and reporting. This guidance applies to all state-approved ETPs and their state-approved programs that receive funding through Individual Training Account services (ITAs) supported by the Workforce Innovation and Opportunity Act (WIOA) Title I-B funds to train adults and dislocated workers, including those with disabilities.

VWL No. 16-06, Change 1 provides updated information regarding registered apprenticeships, discretionary grants co-enrollment, serving individuals with disabilities, equal opportunity access to training programs, and performance calculations.

REFERENCES:

Virginia Board of Workforce Development Policy No. 404-01, Identification of Eligible Providers of Occupational Skills Training
Virginia Board of Workforce Development Policy No. 404-02, Registered Apprenticeship Programs

Workforce Innovation and Opportunity Act, Sections 107, 116, 122, 134 and 188 Training and Employment Guidance Letter (TEGL) WIOA No. 41-14

Training and Employment Guidance Letter (TEGL) WIOA No. 41-14, Change 1

Code of Virginia §23-276.1 - §23-276.12, §23-276.14, §23-276.2 and §23-276.4

Workforce Innovation and Opportunity Act; Employment and Training Administration; Labor; Final Rule, Subpart D—Eligible Training Providers, Subpart D § 680.400 - § 680.530

Workforce Innovation and Opportunity Act; Employment and Training Administration; Joint Final Rule, Part 677 - Subpart E—Eligible Training Provider Performance for Workforce Innovation and Opportunity Act Title I Programs, § 677.230

Participant Information Record Layout (PIRL) – OMB Control Number 1205-0521

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act; Final Rule, 29 CFR Part 38

DEFINITIONS:

Co-Enrollment is the concurrent enrollment of a participant in multiple WIOA programs. Co-enrollment must be considered when a participant has been determined to need services from multiple WIOA programs and meets the eligibility requirements of each of the funding sources. The need for services from multiple sources must be documented in the participant’s service plan.

Discretionary Grants are those funds competitively awarded by a federal agency, or other entity, through a formal application and review process according to specific selection criteria.

Eligible Training Provider (ETP) is a state-approved training provider qualified to receive WIOA Title I-B funds to train adults and dislocated workers, including those with disabilities. An ETP is the only type of entity that can receive funding for training services through an ITA. ETPs can be:

- Post-secondary education institutions
- Registered Apprenticeship programs
- Other public or private providers of training, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under Title II if such activities are provided in combination with occupational skills training
- Local Boards, if they meet the conditions of WIOA sec 107(g)(1)
- Community Based Organizations or private organizations of demonstrated effectiveness that provide training under contract with the Local Board.

Eligible Training Provider and Programs List (ETPL) is a list of state approved ETPs and their state approved training programs. The ETPL is administered by the WIOA Title I Administrator in partnership with the Local Workforce Development Boards (LWDBs). This list is located on the Virginia Workforce Connection. A program of training services is one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma, or its equivalent, employment, or measurable skill towards such a credential or employment. These training services may be delivered in person, on-line, or in a blended approach.

Program Year is the period that runs from July 1 through June 30 of the subsequent year.

Virginia Workforce Connection (VaWC) is the System of Record for the WIOA Title I programs in the Commonwealth of Virginia.

BACKGROUND:

According to WIOA sec. 122, States, in partnership with LWDBs, must identify ETPs that are qualified to receive WIOA Title I-B funds to train adult and dislocated workers, including those with disabilities. In addition, The Virginia Board of Workforce Development (VBWD) Policy No. 404-01 stipulates occupational skills training shall be provided in a manner that ensures informed customer choice in the selection of training for regionally in-demand occupations, and prudent use of public funds in the selection of such providers. Therefore, VCCS-WDS as the designated State entity to oversee the ETPs process will maintain the ETPL. As such, VCCS-WDS is required to maintain the infrastructure to support the ETPL, including publishing provided information related to cost and performance outcomes, and make it publicly accessible in a user-friendly way to the consumers, other members of the public, and other workforce stakeholders.

The [VBWD Policy No. 404-01: Identification of Eligible Providers of Occupational Skills Training](#) provides eligibility criteria for providers of training as well as information and procedures for implementing the Eligible Training Provider (ETP) requirements stipulated in WIOA for the Commonwealth of Virginia.

The purpose of this letter is to provide LWDBs additional guidance on ETP and ETP program eligibility requirements as well as the tracking and reporting of performance measure for each.

The Employment and Training Administration (ETA) Training and Employment Guidance Letter (TEGL) 41-14, WIOA Title I Training Provider Eligibility Transition in accordance with WIOA sec. 122, explains the requirements for determining ETP eligibility in order to utilize WIOA Title I-B training funds. Based on TEGL No. 41-14 and VBWD Policy 404-01, the VCCS-WDS has developed the following procedures for ETPs effective November 1, 2016.

GUIDANCE:

A. Initial Training Provider/Program Eligibility under WIOA

Local Workforce Development Boards are responsible for reviewing and approving training provider programs and entering the information into the state system of record, the VaWC, as described in VBWD Policy Number 404-01. Only those trainer provider programs listed on the VaWC ETPL are eligible for WIOA Title I funds supporting training services as described in this guidance. Each LWDB shall have a documented process for the determination of initial training provider program eligibility that adheres to the state and federal requirements under WIOA.

VBWD Policy Number 404-01 states that in order to become an ETP, a training provider must submit an application for each training program offered (see Attachment A). Each individual training program must be approved in order to be eligible for WIOA Title I funds through the ITA process per WIOA Department of Labor Final Rules.

Training providers applying for initial program eligibility must submit The State Training Provider and Training Program Application (see Attachment A) to the Local Workforce Development Board. In accordance with WIOA Labor Final Rules and Regulations Subpart D – Eligible Training Providers and VBWD Policy Number 404-01, initial training provider program applications must also provide information addressing factors related to the indicators of performance, as described in WIOA section 116 (b)(2)(A)(i)(I-IV) and Attachment B WIOA Periods for Reporting Outcomes:

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; and
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 one year after exit from the program.

If the training provider is not able to provide program performance information related to the factors listed above, the training provider must submit a plan describing how they will work with their LWDB to collect and report on this information for continued eligibility. Upon initial eligibility approval, the training provider must work with their LWDB to develop a plan to begin tracking and reporting these factors.

The LWDBs are required to review and ensure physical and program access in accordance with WIOA Section 188 and The Americans with Disabilities Act (ADA). It is recommended that LWDBs make the review a part of the application and approval process. Ensuring compliance prior to approval may assist in avoiding the potential for disallowed costs for non-compliance. Training Provider Programs approved prior to the effective date of this policy are still subject to the Equal Opportunity requirements, and are subject to monitoring. Technical Assistance will be provided by the WIOA Title I Administrator and the WIOA Monitoring Team.

After initial applications are approved, training provider programs will be placed on the ETPL by the LWDBs and will remain eligible to receive WIOA Title I funds for one year.

The LWDBs are required to provide information to the eligible training providers regarding maintaining their program eligibility. This shall include, but not be limited to, sharing the need for eligible training providers, upon program approval, to begin tracking program performance indicators, as described in WIOA section 116 (b)(2)(A)(i)(I-IV) and VBWD Policy Number 404-01 for reporting after the year of program eligibility has been completed. LWDBs are also responsible for recertifying program eligibility every year (See section B Continued Eligibility and Program Performance Reporting below for process).

Training provider programs approved by the Local WDB from July 1, 2016 to November 30, 2016, under VBWD Policy 404-01 will not have to be re-submitted for approval under this VWL until their current approval expires.

Training provider and program data must be entered by the approving LWDB into the state system of record (VaWC) to ensure transparency and support informed customer choice in the evaluation

and selection of training providers. The approval or denial data must be entered into the state system of record (VaWC) in accordance with Section E., LWDB Data Responsibility below.

Training providers/programs who have previously served participants under WIOA Title I-B, see Section B. Continued Eligibility and Program Performance Reporting.

B. Continued Eligibility and Program Performance Reporting

The LWDB's are responsible for reviewing quality and performance information and determining continued eligibility for each training provider program annually, in accordance with federal, state and local policy.

Starting July 1, 2017, following completion of a full year of eligibility, each training provider program will be reviewed by the LWDB to determine continued program eligibility. As part of the continued eligibility process, approved Eligible Training Providers will be required to annually certify program performance information for participants whose activities were funded through an Individual Training Account (ITA) (see Section B.a. State ETPL Performance Requirements below). In the absence of any performance data, the provider must develop methods for collecting the required program performance information to remain on the ETPL and to be considered for continued eligibility.

In support of the LWDB review process, starting September 2017, the VCCS-WDS will provide each LWDB with quarterly State Eligible Training Provider Program performance information for the previous program year(s) for training programs approved by the LWDB. The program performance information provided by VCCS-WDS will follow WIASRD/PIRL Reporting Guidelines and will include Training Completion Rate, Credential Attainment Rate, Entered Employment Rates and Post Training Earnings as defined in Section B.a. State ETPL Performance Requirements below.

The LWDBs are required to review and ensure physical and program access in accordance with WIOA Section 188 and The Americans with Disabilities Act. It is recommended that the review process is part of the continued training provider program eligibility process. Each training provider should submit an updated Non-discrimination policy and an updated Anti-discrimination Certification form (see Attachment A.I. Training Provider Application) to the LWDB in support of this process. Ensuring compliance will assist in avoiding the potential for disallowed costs for non-compliance. All approved training provider programs are subject to the Equal Opportunity requirements, and are subject to monitoring. Technical Assistance will be provided by the WIOA Title I Administrator and the WIOA Monitoring Team.

Each LWDB shall have a documented process by which they determine continued training provider program eligibility. The process shall at a minimum include consideration of the State Eligible Training Provider Program Performance Quarterly Report, the program performance data submitted by the eligible training provider as per WIOA, the WIOA Section 188 and ADA compliance, and any additional factors required by state and federal policy that are determined to be appropriate by the LWDB.

Updated training provider data must be entered by the approving LWDB into the state system of record (VaWC) to ensure transparency and support informed customer choice in the evaluation and

selection of training providers. The approval or denial data must be entered into the state system of record (VaWC) in accordance with Section E. LWDB Data Responsibility below.

If a training provider is not recertified for continued eligibility, participants already enrolled in training may remain in the program until completion.

The continued program eligibility and performance information will be subject to validation during the monitoring process.

a. State ETPL Performance Requirements

WIOA permits Governors, in consultation with the state Board, to establish performance criteria for training providers. Beginning with Program Year 2017, in order to remain on the ETPL, all eligible training providers and programs who receive funding through an ITA must annually validate performance information (starting with PY16 information) on the following four outcomes for WIOA Title I participants:

1. **Training Completion Rate must meet or exceed 50%** – the number of participants during a Program Year (July 1 through June 30) who were enrolled in a Title I funded training service who successfully met all of the requirements of the training activity.

For calculation purposes:

All participants who received an ITA (Service Code 300-Occupational Skills Training-Approved Training Provider activity):

The number who successfully completed the ITA service during the program year **divided by** the total number of participants who were actively engaged in an ITA during the program year **minus** the number of participants who are still active in the ITA training program.

The deduction of those still active in the ITA training program is being done to avoid penalizing the providers if they had any participants who had not completed because they were still active in the training.

The measure will be calculated for Title I Adult and Dislocated Worker program participants separately.

Successful completion means – the participant has met all requirements of the training paid for by an ITA. This will be measured using the Completion Status in the service closure process within the Virginia Workforce Connection (VaWC).

2. **Credential Attainment Rate must meet or exceed 65%**– of those who completed Service Code 300 during the Program Year or within one year after exit from the program, the number who attained Credentials during that same period.

For calculation purposes:

Number of participants who successfully completed a Service Code 300 activity and attained an occupational certificate during the program or within one year after program exit.

Divided by the number of participants who complete a Service Code 300 activity and exited during the program reporting period.

This measure will be calculated for Title I Adult and Dislocated Worker program participants separately. The denominator is the numerator from the Training Completion Rate.

3. **Entered Employment Rates** – Will be reported as 1) the number of participants who received an ITA and who are employed in the second quarter after the exit quarter and 2) the number of participants who received an ITA and who are employed in the fourth quarter after the exit quarter.

This measure will be calculated for Title I Adult and Dislocated Worker program participants separately.

4. **Post Training Earnings** – Will be reported as the median earnings for those participants who received an ITA and who have earnings during the second quarter after exit.

This measure will be calculated for Title I Adult and Dislocated Worker program participants separately.

Per the Final Rule WIOA Labor Section 680.460 (f)(11)(g) (1-7), additional information required beyond numbers 1-4 of the above such as: (5) Information on recognized postsecondary credentials received by program participants (type of recognized credential); (6) Information on cost of attendance, including costs of tuition and fees, for program participants; and (7) Completion rate; all information (1-7) is available to the public through the public access portion of the state system of record (VaWC).

Per VBWD Policy No. 404-01, outcomes 1 and 2 will be used to evaluate continued inclusion on the ETPL.

C. Registered Apprenticeship Process

In accordance with WIOA, Registered Apprenticeship programs are automatically eligible for the ETPL. If a Registered Apprenticeship program sponsor would like to have a program included on the state Eligible Training Provider and Programs list, the sponsor must provide the Local Workforce Development Board registration information for Registered Apprenticeship in accordance with Virginia

Board of Workforce Development Policy No. 404-02, Registered Apprenticeship Programs. The Local WDB is responsible for entering the Registered Apprenticeship program information into the VaWC once the application information is verified with the Virginia Department of Labor and Industry (DOLI) in writing.

A recognized registered apprenticeship program may remain on the ETPL as long as it remains registered and recognized by DOLI or until a Registered Apprenticeship program sponsor requests to have a program removed. Registered Apprenticeship programs are not subject to the state performance requirements.

D. Out-Of-State Training Providers

In order for an eligible customer to obtain training through an out-of-state provider, the training provider program must be listed on another State's ETPL. WIOA funds may be used for training programs approved by other states. ETPLs in other states can be located here:

http://www.servicelocator.org/program_search.asp?prgcat=1&officeType_1=0&frd=true

If a LWDB chooses to utilize an out-of-state training provider and pay for it with WIOA Title I funds, then the following criteria must be met:

1. The training provider program must be on the host state's approved training provider programs list; and documentation of this fact, including the eligible time period, and Section 188/ADA compliance must be maintained by the LWDB.
2. The LWDB must collect sufficient data and add the provider's program to the VaWC system so that the participant can be linked to the program for training service accountability.
3. A detailed case note must be entered into the VaWC, explaining why the participant went to an out-of-state training program rather than an in-state training program.

E. Discretionary Grants Co-Enrollment

In those cases where participants are co-enrolled in local formula and discretionary grants and receiving an ITA, the selection of the ITA training program shall be from the Eligible Training Provider and Programs List. The ITA portion of the training must be delivered by a provider program listed on the ETPL. Local area compliance with this requirement will be reviewed during Annual Compliance Reviews.

F. LWDB Data Responsibility

Each LWDB must have a documented process by which they determine initial and continued eligibility of training provider programs in accordance with state and federal requirements. LWDBs have the responsibility for receiving, reviewing, and approving training providers and their programs as well as verifying the registration application information with DOLI for Registered Apprenticeship programs.

They must also ensure that data elements related to initial application, continued eligibility and performance information regarding approved providers and programs are entered into the VaWC, the supported state system of record. Once the Eligible Training Provider and Programs application is completed, reviewed and approved by the LWDB, the information must be entered into the Virginia Workforce Connection within fourteen (14) business days. This will include providers and programs that are denied WIOA approval. This requirement will allow for the tracking of providers and programs that do not become WIOA approved and it will also afford any other LWDB the benefit of viewing the information should this provider seek approval through another LWDB.

It is also required that LWDBs maintain all documentation received and reviewed for the minimum required retention period of three years. Documents that must be retained include applications, continued eligibility and performance information for all providers and programs entered into the VaWC, and records regarding ETP related complaints and actions taken on those complaints.

G. LWDB Responsibility to Identify Lead ETP staff

Each LWDA must identify at least one employee that shall serve as the primary staff responsible for updating the ETP information within the VaWC system. It is recommended that this person is knowledgeable of various aspects of the WIOA programs and the Eligible Training Provider process, as well as having a strong understanding of the navigation and function of the Virginia Workforce Connection. While not required, it is encouraged that this staff person is the Local VaWC System Administrator. See [VWL No. 14-07](#) Local Workforce Investment Areas System Administrator Roles and Responsibilities.

This recommendation is in place to maintain as much consistency and effectiveness as possible, as well as contribute to accurate and timely data entry.

H. Accuracy of Information and Appeals Process

Accuracy of Information, Noncompliance, Repayment, and Construction must be implemented in compliance with the State Policy requirements in VBWD No. 404-01, Identification of Eligible Providers of Occupational Skills Training.

I. Equal Opportunity and Nondiscrimination Requirements

All training providers are subject to the Equal Opportunity (EO) and nondiscrimination requirements contained in Section 188 of WIOA and are required to attest in their applications that they are and will remain in compliance. Providers must comply with the WIOA Section 188 EO and Nondiscrimination provisions which prohibit discrimination on the grounds of race, color, religion, sex, national origin, age,

disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA Title I financially assisted programs or activities.

All providers must ensure that facilities where training programs deliver services meet the physical accessibility requirements of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Providers must also ensure that training courses, whether offered online or in person, are accessible for individuals with disabilities. This may include providing reasonable accommodations for individuals with disabilities, providing training in the most integrated setting appropriate, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary.

Providers will be monitored by the local board and the state to assure compliance with the EO and Nondiscrimination requirements. Approved training providers must maintain sufficient records to demonstrate compliance with these requirements and make these records available for annual monitoring by the LWDB or State office. Monitoring reviews may consist of desk reviews and /or site visits.

**Failure to comply with any of the requirements listed above may result in denial of the provider/program application, subsequent removal from the ETPL, and/or repayment of training costs.*

INQUIRIES:

Please submit inquiries regarding this VWL to the VCCS Office of Workforce Development Services:

Administrator, Federal Workforce Programs
Workforce Development Services
Virginia Community College System
Arboretum III
300 Arboretum Place, Suite 200
Richmond, VA 23236
Telephone: (804) 819-5387
Fax: (804) 786-8430
Email: wioa@vccs.edu

Attachment A

VWL No. 16-06, Change 1 Eligible Training Providers and Programs List

Training Provider and Training Program Application

I. Training Provider Application

http://www.elevatevirginia.org/wp-content/uploads/2017/07/ETPL-VWL-16-06-Change-1Training-Provider-Application-Updated-7_13_2017.pdf

II. Training Program Application

<http://www.elevatevirginia.org/wp-content/uploads/2016/11/ETPL-Training-Program-Application2.pdf>

Attachment B

VWL No. 16-06, Eligible Training Providers and Programs List, Change 1

WIOA Periods for Reporting Outcomes

Time Periods for Reporting Performance Information on the WIOA Annual Report

Program Year 2016 (PY 2016) Annual Report	
Report Due Date:	October 1, 2017
Number Served (Reportable Individual)	7/1/2016 to 6/30/2017
Number Exited (Reportable Individual)	7/1/2016 to 3/31/2017
Funds Expended	7/1/2016 to 6/30/2017
Number Served (Participants)	7/1/2016 to 6/30/2017
Number Exited (Participants)	7/1/2016 to 3/31/2017
Employment Rate Second Quarter after Exit	Data Not Available
Employment Rate Fourth Quarter after Exit	Data Not Available
Median Earnings Second Quarter after Exit	Data Not Available
Credential Attainment Rate	Data Not Available
Measurable Skill Gains	7/1/2016 to 6/30/2017
Effectiveness in Serving Employers	Data Not Available
Veterans Priority of Service	7/1/2016 to 6/30/2017

Program Year 2017 (PY 2017) Annual Report	
Report Due Date:	October 1, 2018
Number Served (Reportable Individual)	7/1/2017 to 6/30/2018
Number Exited (Reportable Individual)	4/1/2017 to 3/31/2018
Funds Expended	7/1/2017 to 6/30/2018
Number Served (Participants)	7/1/2017 to 6/30/2018
Number Exited (Participants)	4/1/2017 to 3/31/2018
Employment Rate Second Quarter after Exit	7/1/2016 to 6/30/2017
Employment Rate Fourth Quarter after Exit	7/1/2016 to 12/31/2016
Median Earnings Second Quarter after Exit	7/1/2016 to 6/30/2017
Credential Attainment Rate	7/1/2016 to 12/31/2016
Measurable Skill Gains	7/1/2017 to 6/30/2018
Effectiveness in Serving Employers	7/1/2016 to 6/30/2017
Veterans Priority of Service	7/1/2017 to 6/30/2018

Program Year 2018 (PY 2018) Annual Report	
Report Due Date:	October 1, 2019
Number Served (Reportable Individual)	7/1/2018 to 6/30/2019
Number Exited (Reportable Individual)	4/1/2018 to 3/31/2019
Funds Expended	7/1/2018 to 6/30/2019
Number Served (Participants)	7/1/2018 to 6/30/2019
Number Exited (Participants)	4/1/2018 to 3/31/2019
Employment Rate Second Quarter after Exit	7/1/2017 to 6/30/2018
Employment Rate Fourth Quarter after Exit	1/1/2017 to 12/31/2017

Median Earnings Second Quarter after Exit	7/1/2017 to 3/30/2018
Credential Attainment Rate	1/1/2017 to 12/31/2017
Measurable Skill Gains	7/1/2018 to 6/30/2019
Effectiveness in Serving Employers	7/1/2017 to 6/30/2018
Veterans Priority of Service	7/1/2018 to 6/30/2019

Program Year 2019 (PY 2019) Annual Report	
Report Due Date:	October 1, 2020
Number Served (Reportable Individual)	7/1/2019 to 6/30/2020
Number Exited (Reportable Individual)	4/1/2019 to 3/31/2020
Funds Expended	7/1/2019 to 6/30/2020
Number Served (Participants)	7/1/2019 to 6/30/2020
Number Exited (Participants)	4/1/2019 to 3/31/2020
Employment Rate Second Quarter after Exit	7/1/2018 to 3/17/2019
Employment Rate Fourth Quarter after Exit	1/1/2018 to 12/31/2018
Median Earnings Second Quarter after Exit	7/1/2018 to 6/30/2019
Credential Attainment Rate	1/1/2018 to 12/31/2018
Measurable Skill Gains	7/1/2019 to 6/30/2020
Effectiveness in Serving Employers	4/1/2018 to 3/31/2019
Veterans Priority of Service	7/1/2019 to 6/30/2020

Note:

Periods highlighted in yellow indicate when a full year of information will be available. Periods that do not have a date indicate that no report can be generated for that outcome during that time frame.