

LOUISIANA WORKFORCE COMMISSION

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Issuing Department Office of Workforce Development	Revision Dates	
Owner Office of Workforce Development	Signature	
Appointing Authority Shannon Joseph, Assistant Secretary Director of Workforce Development	Signature	

PHILOSOPHY

The Louisiana Workforce Commission (LWC) is committed to “Putting People to Work” by continuously improving Louisiana’s demand driven system to respond quickly to immediate and long-term needs of employers through connecting job seekers to employers seeking candidates with the skills and/or credentials required of in-demand occupations.

BACKGROUND AND PURPOSE

The purpose of this policy is to provide background information and guidance for Local Workforce Development Areas (LWDAs) to use, in partnership with the State, in identifying qualified training providers and programs for Louisiana’s statewide Eligible Training Providers and Programs List (ETPL) as mandated by the Workforce Innovation and Opportunity Act (WIOA) of 2014. The ETPL includes training providers who are eligible to receive WIOA Title IB funds to train eligible adults and dislocated workers as well as training program cost, credential information and performance information.

WIOA emphasizes informed customer choice, job-driven training, provider performance and continuous improvement. The ETPL is comprised of approved eligible training providers and training programs that are approved by the LWDAs and the State to provide training services to eligible WIOA title I B participants. To be approved for the ETPL, training providers and programs must meet state and local requirements, which includes the training resulting in a federally or locally recognized credential and being related to in-demand industry sectors and occupations in the Regional Labor Market Area (RLMA).

In order to maintain eligibility for the ETPL, training providers must submit appropriate, timely and accurate program performance data and program cost information. Section 116 of WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local areas in achieving positive outcomes for individuals served by the workforce development system. The six core programs are:

- Adult, Dislocated Worker, and Youth programs authorized under WIOA title I and administered by Department of Labor (DOL);
- Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by the U.S. Department of Education (ED);
- Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL;
- Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED.

The six primary indicators of performance include:

1. Employment Rate – 2nd Quarter after Exit;
2. Employment Rate – 4th Quarter after Exit;
3. Median Earnings – 2nd Quarter after Exit;
4. Credential Attainment;
5. Measurable Skill Gains; and
6. Effectiveness in Serving Employers.

REFERENCES AND CITATIONS

Workforce Innovation and Opportunity Act (Public Law 113-128) Sections 107, 116, 122 and 134.

WIOA Regulations, 20 CFR 680.400 et. seq., Subpart D – Eligible Training Providers.

Training and Employment Guidance Letter WIOA No. 41-14.

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

Training and Employment Guidance Letter WIOA No. 13-16.

Training and Employment Guidance Letter WIOA No. 16-16.

Training and Employment Guidance Letter WIOA No. 16-16, Change 1.

Training and Employment Guidance Letter WIOA No. 26-16.

APPLICABILITY

All Local Workforce Development Boards (LWDBs) and One-Stop Center Operators.

This policy supersedes all previous policies regarding the ETPL including policies on eligibility, collection of performance data, program costs, etc.

DEFINITIONS

- Career Pathway – a combination of rigorous and high-quality education, training, and other services that: (a) aligns with the skill needs of industries in the economy of the State or regional economy involved; (b) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including registered apprenticeships; (c) includes counseling to support an individual in achieving the individual’s education and career goals; (d) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster; (e) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable; (f) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and (g) helps an individual enter or advance within a specific occupation or occupational cluster.
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Certificate Program – a program of education that results in a certificate of completion rather than an educational degree. Certificate programs educate individuals about one particular aspect of their field and/or supplements an individual’s prior education. Certificates are awarded upon the completion of a brief course of study, usually one year or less but at times longer, primarily in public or private two-year institutions of higher education, university extension programs or non-degree granting postsecondary institutions like area career and technical education schools. Upon completion of a course of study, a certificate does not require any further action to retain.

- Certification – a formal process that recognizes and validates an individual’s qualifications in a certain subject. Certification is earned by an individual to assure he or she is qualified to perform a job or task through the acknowledgment of educational achievement. Certifications indicate a mastery of or competency in specific knowledge, skills or processes that can be measured against a set of accepted standards. These are not tied to a specific educational program, but are typically awarded through assessment and validation of skills in cooperation with a business, trade association or other industry group. After attaining a certification, individuals often must meet ongoing requirements to maintain the currency of the certification.
- Completion – successful completion of an activity and attaining the skills, competencies, certification, license, credential, degree or employment associated with the activity in the client’s independent employment plan.
- Credential – a formalized recognition (such as a certificate or certification) consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by State or Federal Government, an associate or baccalaureate degree, or a secondary school diploma or equivalent. A credential can be stacked with other credentials as part of a sequence to move an individual along a career pathway or up a career ladder.
- Degree – an academic degree is an award or title conferred upon an individual for the completion of a program or courses of study over multiple years at postsecondary education institutions.
- Eligible Training Provider (ETP) –
- In-demand – occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional or local Workforce Development Plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.
- In-demand industry sector or occupation – (a) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, and local economy and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or (b) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy.
- Individuals with Barriers to Employment – individuals in one or more of the following categories: displaced homemakers; low-income individuals; Indians, Alaska Natives and Native Hawaiians; individuals with disabilities; older individuals; ex-offenders; homeless individuals; youth who are in, or have aged out of, the foster care system; individuals who are English learners, have low literacy levels or face substantial cultural barriers; eligible migrant seasonal farmworkers (MSFW); individuals within two years of exhausting lifetime eligibility under Temporary Assistance to Needy Families (TANF); single parents (including pregnant women); long-term unemployed individuals; and members of other groups identified by the Governor. (20 CFR 680.320).
- License – a legal permission, typically granted by a government agency, to allow an individual to perform certain regulated tasks or occupations. A license can be obtained by meeting certain requirements set forth by the licenser, usually by completing a course of education and/or assessments. Upon receipt of a license, ongoing requirements may be necessary to maintain the license.

- Recognized postsecondary credential - WIOA defines as “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.

ROLES AND RESPONSIBILITIES

The Role of the State

The Governor, in consultation with the State Workforce Development Board (WDB), must establish eligibility criteria and procedures for initial and continued eligibility for training providers and programs to receive funds under WIOA title I, subtitle B. In doing so, the Governor may establish minimum performance levels for initial and continued eligibility. When establishing minimum performance levels for eligibility, the Governor will take into consideration the need to serve targeted populations. The Governor or State Agency has explicit responsibility for managing and disseminating the approved list of eligible training providers. The State must perform the following required roles:

- Establish eligibility procedures and clarify State and Local Board roles and responsibilities;
- Establish a mechanism for adding Registered Apprenticeship programs to the list and verify registered status at least every two years;
- Consult with the State Board when establishing procedures;
- Provide an opportunity for interested members of the public to make recommendations and submit comments regarding the eligibility procedure including Local Boards;
- Determine whether the provider submitted accurate information and take enforcement actions as needed;
- Disseminate the list to the Local Boards, the One-Stop Delivery System, its partner programs and the public;
- Determine if State-established minimum performance levels for eligibility are met;
- Remove programs that do not meet State-established program criteria or performance levels for eligibility; and,
- Establish an appeals procedure for providers to appeal a denial of eligibility.

States are required to make available and publish annually the ETP performance reports for ETPs who provide services under sec. 122 of WIOA that are described in 20 CFR 680.400 through 680.530. These reports at a minimum must include:

1. Total number of recipients who received training services under the adult and dislocated worker programs for the most recent year and the 3 preceding program years, including:
 - a. Number of participants disaggregated by barriers to employment;
 - b. Number of participants disaggregated by race, ethnicity, sex, and age;
 - c. Number of participants disaggregated by type of training entity.
2. Total number of participants who exit;
3. Average cost-per-participant;
4. Total number of individuals exiting with respect to all individuals engaged in the program;
5. Levels of performance achieved for the primary indicators of performance

The Governor is required to disseminate the State ETPL, with accompanying performance and cost information to the LWDBs and to members of the public making the list publicly available online through websites and searchable databases, as well as means the State uses to disseminate information to consumers ensuring that the list is in a format accessible to individuals with disabilities. Apprenticeship programs registered under the National Apprenticeship Act are not required to submit ETP performance information. However, if a registered apprenticeship program voluntarily submits performance information, it must be included in the annual report.

The Role of the Local Workforce Development Board

The Local Boards have statutorily required responsibilities related to eligible training providers, roles that the Governor may assign the Local Board, and additional options for their local area.

Local WDBs must work with the State to ensure that:

- There are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities; and
- The State's eligible training provider list is disseminated publicly through the local One-Stop System and its partner programs. Eligible programs may also be accessed via the internet at <https://www.louisianaworks.net/hire/vosnet/MenuLandingPage.aspx?enc=Kt8ubp6xpBXFjGGwpUEHTA7kk4DlxSH/c8amoqL6Prw> by selecting "ETPL Approved Programs" link.

The State may assign specific responsibility to LWDBs such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of training providers, and considering the possible termination of an eligible provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA.

LWDBs may, through written policy, set additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the Governor's procedure. LWDBs may also provide comment and input into the Governor's development of the eligible provider procedure through the public comment process. Any additional requirements established by the LWDB will only affect a program's eligibility and performance level eligibility requirements within its local area.

With the *exception* of Registered Apprenticeship Programs, LWDBs may establish higher performance levels or require additional information from State eligible training providers to receive funds through the local area Individual Training Accounts (ITAs).

Responsibility of State Eligible Training Providers

Training Providers have the following responsibilities:

1. Complete an online application on the Eligible Training Provider website. The application must be filled out completely through HiRE.
2. Submit Training Provider Assurances Form to the State ETPL Coordinator.
3. Submit supplemental documents to the State ETPL Coordinator and LWDB as required.
4. Submit initial and subsequent performance information.
5. Submit performance information on the Annual Training Provider Performance Report.
6. Collect information about all students attending a training program as required for reporting of performance measures.
7. Submit updated information or changes to a training program through the ETPL website as soon as the change occurs.
8. Provide periodic updates on WIOA participants, including copies of credentials and transcripts received by WIOA participants as required and requested by the LWDB.
9. Notify State and LWDBs of impending school move, sale or closure.
10. Notify State and LWDBs of changes in the ETPL point of contact.

POLICY

The One-Stop Center may issue an Individual Training Account (ITA) to an adult to fund training after a determination is made that career services are insufficient to meet the particular client's needs. The client can then compare the offerings on the ETPL and, with the advice of One-Stop Center Staff, select the most appropriate training program. In this way, the ETPL helps to provide consumer choice while also supporting quality training programs.

ETPs are the only types of entities that can receive funding for training services through an ITA. This means that if an entity is not on the State ETPL, the entity may not receive ITA funds to pay for training services. ETPs must provide a "program of training services" which WIOA regulations and guidance defines as one or more courses or classes, or a structured regimen that leads to specified outcomes, including recognized postsecondary credentials, secondary school diplomas or their equivalent, employment, or measurable skill gains toward such credentials or employment. This also includes a structured regimen that leads to an industry-recognized credential. Programs may be delivered in-person, online or in a blended approach. LWDBs may provide training services if they meet the conditions of WIOA sec. 107(g)(1) which includes the information required in a written waiver request to the Governor.

For purposes of this policy, the State will rely upon the definition of a recognized postsecondary credential, the definition of a secondary school diploma or recognized equivalent, and the types of acceptable credentials outlined in WIOA TEGL No. 10-16, Change 1 and as indicated below:

Definition of a Recognized Postsecondary Credential

A recognized postsecondary credential is defined as 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, as well as graduate degrees for purposes of the VR program as required by section 103(a)(5) of the Rehabilitation Act of 1973, as amended by title IV of WIOA. A recognized postsecondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

Certificates awarded by workforce development boards (WDBs) and work readiness certificates are not included in this definition because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

A variety of different public and private entities issue recognized postsecondary credentials. Below is a list of the types of organizations and institutions that award recognized postsecondary credentials (not all credentials by these entities meet the definition of recognized postsecondary credential).

- A State educational agency or a State agency responsible for administering vocational and technical education within a State;
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;

- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes;
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- ETA's Office of Apprenticeship or a State Apprenticeship Agency;
- A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a State-licensed asbestos inspector);
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
- Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

Definition of a Secondary School Diploma or Recognized Equivalent

For purposes of the credential attainment performance indicator, a secondary school diploma (or alternate diploma) (commonly referred to as high school diploma) is one that is recognized by a State and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirements for a high school education. The types of recognized equivalents, for those not covered under ESEA, that would satisfy this performance indicator are those recognized by a State.

Examples of secondary school diplomas, alternate diplomas, and recognized equivalents recognized by individual States include:

- Obtaining certification of attaining passing scores on a State-recognized high school equivalency test.
- Earning a secondary school diploma or State-recognized equivalent through a credit bearing secondary education program sanctioned by State law, code, or regulation.
- Obtaining certification of passing a State recognized competency-based assessment.
- Completion of a specified number of college credits.

Types of Acceptable Credentials

The following are acceptable types of credentials that count toward the credential attainment indicator:

- Secondary School diploma or recognized equivalent
- Associate's degree
- Bachelor's degree
- Graduate degree for purposes of the VR program
- Occupational licensure
- Occupational certificate, including Registered Apprenticeship and Career and Technical Education educational certificates
- Occupational certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

Eligible Training Providers

The following types of training providers may apply to qualify for the statewide ETPL:

1. Post-Secondary educational programs that are:
 - a. Eligible to receive funds under Title IV of the Higher Education Act of 1965, and
 - b. Provide a program that leads to an Associate Degree, Baccalaureate degree or Certificate.
2. Post-Secondary educational institutions seeking training funds for a program that does not lead to an Associate or Baccalaureate degree, certification or is not funded under Title IV of the Higher Education Act of 1965.
3. Public and Private providers of a program of training services, which may include joint labor-management organizations and eligible providers of adult education and literacy activities under WIOA title II if such activities are provided in combination with occupational skills training.
4. Entities that carry out programs under the National Apprenticeship Act of 1937. These include:
 - a. Universities, colleges, some community colleges, some vocational-technical colleges, some proprietary schools, and
 - b. Apprenticeship programs registered with the Office of Apprenticeship and the State's Apprenticeship office.
5. A Local WDB, if it meets the conditions of WIOA sec. 107(g)(1).
6. Community Based Organizations (CBOs), provided it meets the requirements to become eligible training providers under WIOA sec. 122 and the implementing regulations.

Under WIOA, title 1, Registered Apprenticeship program sponsors are automatically eligible for placement on the state-approved ETP list and will remain on the list 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. However, registered apprenticeship programs are given an opportunity to consent to inclusion on the ETPL before being placed on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial or continued eligibility as other providers. In addition, LWDBs cannot establish additional criteria and information requirements or establish higher levels of performance for these entities to provide training services in the local areas.

“Proprietary schools” must be licensed or determined exempt from licensure through the Louisiana Board of Regents. A “proprietary school” means any business enterprise operated for profit or on a non-profit basis which maintains a place of business in this state, or which sells or offers for sale any course of instruction in this state. If a proprietary school has been determined exempt from licensure, a copy of the exempt letter must be provided to LWC. In addition, proprietary schools must provide an updated determination of exemption every two years.

Eligible Training Programs

A program of training services consists of one or more courses or classes, or a structured regimen that leads to specified outcomes, including recognized postsecondary credentials, secondary school diplomas or their equivalent, employment, or measurable skill gains toward such credentials or employment. A program of service may be delivered in-person, online or in a blended approach. Selection of a program of training services must be directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate.

Under certain circumstances, mechanisms other than ITAs may be used to provide training services. Training services authorized under WIOA sec. 134 may be provided pursuant to a contract for services in lieu of and ITA account if:

- The training services are provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.
- The services are on-the-job training, customized training, incumbent worker training and transitional employment;
- The local board determines there are an insufficient number of eligible providers in the local area to accomplish the purposes of a system of individual training accounts;
- The local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;
- The local board determines that:
 - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and
 - Such contract does not limit customer choice; or
- The contract is a pay-for-performance contract.

Providers of on-the-job (OJT) and customized training are not subject to the requirements of ETP, which requires the submission and certification of an application. The designated One-Stop Center in each local area will collect performance information and determine whether the OJT and customized training providers meet the required performance criteria as outlined in the WIOA Local Plan.

- On-the-Job Training (OJT)

Employers in the public and private sectors can provide OJT. A contract shall be developed between the employer and the local program that provides occupational training for WIOA participants including the reimbursement amount for participant wages.

The local program shall not contract with employers who have previously demonstrated a pattern of failing to provide OJT participants with continued long-term employment and with wages, benefits and working conditions equivalent to those provided to regular employees who have worked the same length of time and performed the same type of work.

OJT contracts shall be limited to the period of time required for the participants to become proficient in the occupations for which training is being provided. In determining the length of the contract consideration should be given to the skill requirements of the occupation, academic and occupational skill level of the participant, prior work experience and the participant's individual employment plan.

- Customized Training

Customized training is designed to meet special requirements of the employer or group of employers, conducted with a commitment by the employer(s) to employ (or continue to employ) individuals upon successful completion of training.

Note: Stand-alone programs such as job readiness, basic skills, career exploration, and reading literacy programs will not be considered as training programs eligible for ITAs and/or the ETPL.

Educational programs that are not occupational specific and are less than 90 days in duration are considered to be an individualized career service activity versus a training activity. These programs provide instruction wherein the knowledge obtained can be used in many different jobs and are therefore not industry or job specific. They are designed to provide participants with short-term skill upgrade assistance to enable them to become job ready or advance up a career ladder. These programs are not subject to the ETP requirements and as such, are not required to be on the ETPL. However, these programs can be utilized by any local area through their local procurement procedures.

Examples of these types of programs include keyboarding, computer services, Standards of Training and Certificates of Watch Keeping (STCW) certification and Occupational Safety Health Standards (OSHA) certifications. However, this exception does not include short-term training programs for specific occupations such as nursing assistant, phlebotomist or truck driving.

Questions regarding a particular program's eligibility should be directed to the Office of Workforce Development (OWD).

Commercially available off-the-shelf skill refresher programs designed to assist individuals who have completed training but need courses of study to renew their license are considered to be WIOA intensive service activities. Examples of these types of programs include RN or LPN refresher courses. Such programs do not need to be certified for inclusion on the statewide ETPL but must follow local WIOA procurement procedures.

These programs will be included in the Education Service: Training Providers and Schools or Training and Education Program section of HiRE. These programs are exempt from the ETPL performance requirements. However, providers must still submit their most recent enrollment information in the required format and local programmatic performance should be considered as part of the procurement process.

Eligible Training Services

Eligible Training Services is a category of offerings which the LWDBs are responsible for providing to adults and dislocated workers under WIOA. The broad array of training services may include, but are not limited to:

- Occupational skills training
 - On-the-Job training
 - Incumbent worker training
 - Workplace training which includes cooperative education programs
 - Private sector training programs
 - Skills upgrading and retraining
 - Entrepreneurial training
 - Transitional jobs
 - Job Readiness training
 - Adult Education and Literacy including English language acquisition
 - Customized training by an employer to employ an individual upon completion of training
- ❖ Occupational training services may be obtained through the use of an ITA and may not be so extensive.

Training should be limited to those occupations that have been determined to be in-demand in each RLMA. Each LWDB should determine in which demand occupations to invest WIOA training funds based on their local/regional economy. Use of training through the ETPL should be incorporated into the cohort strategy under the Louisiana Workforce Commission (LWC) Integrated Service Delivery Model.

Demand occupations for each regional labor market must be incorporated into the ETPL application process. In defining occupations in demand for the purposes of administering WIOA tile I B training funds, it is important for each LWDA to assess which occupations have the highest impact on their local economies by utilizing the methodology approved by the State’s Workforce Investment Counsel (WIC). The methodology approved by the WIC relies on a weighted measure of rating each occupation based upon long and short-term annual demand, long and short-term percentage growth, total prior year recorded openings, and median wages for each occupation as defined under the Louisiana Star Occupations (Star Jobs) methodology and derived from the RLMA. The WIC and LWC considers three, four and five star jobs as demand occupations for WIOA purposes.

Application Process for Training Providers and Programs

LWC is responsible for facilitating the application process and for calculating the performance outcomes based on student level data submitted by training providers. In addition, LWC is required to disseminate the State’s list of eligible providers of training services, including eligible providers of non-traditional training services, performance information and program costs.

LWDBs are responsible for notifying providers in their area of the opportunity to apply for status as approved eligible training providers. At its own discretion, an LWDB may also solicit training providers from outside of their LWDA. Solicitation may be done through a combination of direct mailings, newspaper notices and other appropriate means. An LWDB is responsible for ensuring that training providers have access to the application for certification and a list of demand occupations for their LWDA. The demand occupation list is important because WIOA requires training funds be used primarily for training job seekers for demand occupations. The list contains information for training providers regarding where training funds should be used.

Training providers that do not have data entry access to the CRS should contact LWC’s Office of Occupational Information Services at (225) 219-7761 to obtain the necessary security access. Additional information on the application process, including the online CRS system, can be obtained at <http://www.laworks.net/Downloads/WFD/WIAETPLManual.2015.pdf>.

The statewide standardized system eliminates duplication and provides uniformity in the provider information gathered for the statewide list. Potential training providers must submit an application for each course of study or program being proposed, including cost information on each course or program. Each training provider must submit one (1) single application containing all required information on the training institution and one (1) on each program being proposed to receive WIOA training funds.

In addition to the application, each provider must submit required student data as outlined in “How to Submit Student Data” available at LWC’s website (www.laworks.net) under Workforce Development – Eligible Training Provider Information. High school students, prisoners and non-degreed individuals are excluded from the student data requirements. A non-degreed individual is defined as an individual who is enrolled for a single course without the intention of completing a program.

The data submission must include the signed Student Data Certification Statement which is also available on LWC’s website (www.laworks.net) under Workforce Development – Eligible Training Provider Information. As part of the certification process the state will verify, through the Louisiana State Board of Regents, a proprietary school’s licensure status. Applications will not be processed through the certification process until this verification has been made. Questions regarding licensure status should be directed to Carol Marabella at (225) 342-4253 or at the following address:

Louisiana State Board of Regents
Proprietary School Section
P. O. Box 3677
Baton Rouge, LA 70821-3677

Initial Eligibility

- Providers must submit an application to the State for training program(s) it wishes to offer. In addition to any local requirements, providers must follow the process outlined in this policy and submit student and performance data as required by the LWDB and/or State.
- Providers are eligible only for programs that qualify and are approved by the State and LWDBs.
- Providers must submit evidence of accreditation and/or licensure from the appropriate state or other governing body.
- Distance learning programs are eligible only when offered by institutions that are fully accredited by a recognizing accrediting body.
- Initial eligibility is limited to a period of one (1) calendar year for each approved program.
- The provider must renew its eligibility and establish continued eligibility for each approved program to continue receiving WIOA funds after the program's one-year period of eligibility ends.
- Thereafter, providers must contact the State every two years to renew each program's continued eligibility to receive WIOA funds.
- The State shall provide a written notice of determination of acceptance or rejection of an initial application in HiRE to an applying entity within thirty (30) calendar days of the receipt of the completed initial eligibility determination application.

Continued Eligibility

All training providers must apply annually to remain on the ETPL by submitting a completed application along with the required information. The State will review the application, make a determination of approval, and notify the applicant of the determination within 30 days of receiving the completed application. The State will notify the applicant of the final determination in writing in HiRE, including in the case of a denial, the reasons for the final determination and a statement that the provider may appeal the determination as provided in this policy. The applicant may appeal the determination of the State using the appeals procedures outlined in this policy. Any training provider that does not apply to remain on the ETPL pursuant to this policy shall be removed from the ETPL.

The following information is required for a continued eligibility determination:

1. A completed application;
2. Performance reports for the past two years, as applicable;
3. Certification that the following have not changed from previous years: the provider's refund, equal employment opportunity and accessibility policies; and the class schedule. If changes have been made, new copies of the aforementioned shall be provided;
4. Any additional information requested by the State.

A continued eligibility determination will be made for each training provider on a **program-by-program** basis and be based on the following criteria:

- A training provider's prior eligibility status or status of existing programs.
- The performance of training providers on the performance accountability measures relating to the State Plan and the training provider's individual performance measures established by the State.
- The availability of training services throughout the State.
- Information reported to State Agencies with respect to Federal and State programs involving training services, including the adult education and vocational rehabilitation programs.
- The degree to which the program relates to in-demand industry sectors and occupations in the State.
- Compliance with State licensing requirements, where applicable.

- The ability of the training provider to offer quality programs that lead to postsecondary credentials.
- The ability of the training provider to provide training services to individuals who are unemployed, underemployed, incumbent workers and individuals with barriers to employment.
- Demonstrated ability of the training provider to submit timely and accurate performance reports.
- Continued compliance with State labor laws such as workers compensation, unemployment insurance, wage and hour, and nondiscrimination.
- A training provider's ability to meet the State Plan's performance measures as required by the U.S. Department of Labor.

Program Denial Process

When the State determines that a complete application does not meet the eligibility requirements (as set forth in this policy), the State shall issue a determination denying (denial notice) the application within 30 days of its receipt. A separate denial notice is required for each training program being denied.

Denial notices shall be delivered by certified mail, return receipt requested, to the training provider at the address listed on the application and to the attention of the contact person identified on the application. The denial notice shall also clearly state that the training provider's right to appeal within 30 days of the date the denial notice is received.

A training provider may be denied certification for a training program for the following reasons:

- The application is not complete.
- Performance data is not included with the application.
- Performance data does not meet state minimum standards.
- Any requirement for training providers listed under the WIOA or established by state policy has not been met.

LWC, upon receipt of the LWDB training provider/program list, and after appropriate evaluation of such lists, shall promptly issue determinations to any training provider that the state removes from the LWDB training provider/program list.

The State shall follow the same guidelines outlined above for the LWDB training program denial process. If the state does not send a denial notice within 30 days after the electronic notification to LWC of the LWDB's training provider/program list, the training program is automatically approved and will be published in the state approved ETPL, accessible through HiRE.

LWC also has the responsibility to remove training providers/programs from the statewide eligible training provider/program list under the following conditions upon documented proof that these conditions exist has been provided by the LWDB:

- The training provider intentionally supplied inaccurate information, in which case the termination will remain in effect for a minimum of two years.
- The training provider substantially violated any requirement under WIOA or state policy.
- The training provider did not reapply for continued eligibility.

Supplemental Data Provision

If a training program fails to meet the required minimum level of performance for employment, the training provider shall have the opportunity to provide the LWDB with verifiable documentation regarding the employment status of students who exited the program. Employment documentation must be for the calendar quarter immediately following the quarter in which the student exited the program. Providers may only provide supplemental data for the employment measure. No supplemental data is allowed for completion rate or Wage at Placement (USDOL TEGL 17-05). Verifiable documentation includes the following:

- A paycheck stub
- W-2 form
- A written letter from the employer on letterhead stating employment
- Form 1099

After LWC initially processes “student data” required for the calculation of the performance measures, the application with the required performance measures shall be reviewed by the LWDBs within the geographic area in which the program is physically located.

Upon determination from the LWDB that the program meets the minimum completion rate and hourly wage rate, but does not meet the employment rate, LWC will send to the training provider the Social Security numbers of those students who could not be found as employed through the Unemployment Insurance Wage record data.

The training provider will provide the employment status documentation (acceptable documentation is listed above) directly to the LWDB that has reviewed the application. Upon verification of the documentation, the LWDB will forward the employment documentation to LWC for inclusion in the performance calculations. A copy of the employment documentation must be sent to LWC - Office of Occupational Information Services, Attn: Research and Statistics.

Appeals Process

Following issuance by LWC of a denial of eligibility, determination of suspension, or termination of eligibility, the training provider shall have 30 days in which to submit an appeal to LWC. Within 60 days of receipt by LWC of the appeal an opportunity for a hearing shall be provided and a decision rendered to the training provider. All appeals must be forwarded, in writing, to the following address:

Louisiana Workforce Commission
Office of Workforce Development
Attn: Director
P.O. Box 94094
Baton Rouge, LA 70804

The decision rendered by LWC is final and may not be appealed to the U.S. Department of Labor.

OWD DIRECTOR

The OWD Director, or his/her designee, is responsible for providing appropriate communication and guidance on this policy to the LWDB Directors.

EXCEPTIONS

Providers of OJT and/or customized training **are not subject** to the requirements outlined above, which requires the submission and certification of an application. The designated Career Solutions Center in each local area will collect performance information and determine whether the OJT and/or customized training providers meet the required performance criteria as outlined in the WIOA local plan.

VIOLATIONS

LWC is responsible for removing training providers/programs from the statewide eligible training provider/program list under the following conditions when documented proof that these conditions exist has been provided by the LWDB:

- The training provider intentionally supplied inaccurate information; in which case, the termination will remain in effect for a minimum of two years.
- The training provider substantially violated any requirement under WIOA or state policy; in which case, the termination will remain in effect for a minimum of two years.
- If a Registered Apprenticeship program is deregistered, it shall be removed from the ETPL. Information on any de-registered program will be provided by the State Director of Apprenticeship.

A provider who has been removed from the list of eligible training providers is liable to repay all adult and dislocated worker training funds received during the period of noncompliance.

CONTACTS

Inquiries regarding this policy should be directed to:
Office of Workforce Development
1001 N. 23rd Street
Baton Rouge, LA 70802

ATTACHMENTS