



Montana Department of LABOR & INDUSTRY

1
2 Division: Workforce Services Division
3 Category: WIOA
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6 Policy No.: 07-16

7 Eligible Training Provider List (ETPL) Policy

8 **Background:** The Workforce Investment Act (WIA) established the Eligible Training Provider process as part of
9 an overall strategy to ensure informed customer choice for training, performance accountability, and continuous
10 improvement. The Workforce Innovation and Opportunity Act (WIOA) further advances these goals through the
11 alignment of the six core federal programs that support employment and training services: Title I Adult, Dislocated
12 Worker, and Youth Programs, Adult Education and Literacy Programs, the Wagner-Peyser Employment Service, and
13 Title I of the Rehabilitation Act programs.

14 Montana's Eligible Training Provider List (ETPL) identifies training providers whose performance qualifies them to
15 receive WIOA funds to train adults and dislocated workers using Individual Training Accounts (ITAs). The Montana
16 ETPL and related eligibility procedures ensure the accountability, quality, and labor-market relevance of programs
17 offered by training providers that receive funds through WIOA. WIOA outlines the responsibilities of the Governor, the
18 State Workforce Innovation Board (SWIB) and state agencies in creating and maintaining a list of eligible training
19 providers.

20 WIOA also emphasizes Registered Apprenticeship programs and opportunities in a more robust manner than WIA by
21 minimizing requirements for program sponsors and their providers of related instruction. Under WIOA, any
22 registered apprenticeship program that agrees to be part of the Montana ETPL will remain on the ETPL as long as
23 the program remains registered or until the sponsor no longer wishes to be part of the ETPL. The reduced
24 requirements are a clear signal of Congressional intent and, ideally, the State would like to see all registered
25 apprenticeship program sponsors in Montana on the statewide ETPL.

26 **Scope:** This policy applies to all service providers operating WIOA programs, training providers, WIOA
27 program managers, WIOA fiscal officers and the WIOA monitoring team. This policy is effective March 30, 2017.

28 Definitions:

- 29 • **Eligible Training Provider** is a provider of training services who has met the eligibility requirements to receive
30 WIOA Title I Adult and Dislocated Worker funds to provide training services to eligible individuals. Eligible
31 training providers may also receive Title I Youth funds through ITAs under certain conditions. Registered
32 apprenticeship programs are automatically considered eligible training providers and are eligible for
33 placement on the ETPL with the provision of minimal information.
- 34 • **Program of Training Services** is one or more courses or classes, or a structured regimen which lead to:
 - 35 ○ An industry recognized certificate or certification, a certificate of completion of a registered
 - 36 apprenticeship, a license recognized by the state involved or the federal government, an associate or
 - 37 baccalaureate degree;
 - 38 ○ Secondary school diploma or its equivalent;
 - 39 ○ Employment; or

- Measurable skill gains toward a credential or employment.
- **Recognized Postsecondary Credential** is a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree.
- **Pre-Apprenticeship** is a program designed to prepare individuals to enter and succeed in registered apprenticeship programs. These programs have a documented partnership with at least one registered apprenticeship program sponsor and together, they expand the client's career pathway opportunities with industry based training coupled with classroom instruction.
- **Program Completer** is a client who meets, finishes, graduates or completes all of the requirements of a training program.
- **Program Exiter** is a client who leaves a program during a twelve-month period for any reason (excluding completers).

Policy:

Entities Qualified to Apply to be on the ETPL:

- The following types of training providers are able to submit an application to receive WIOA Title funds to provide training to clients.
 - Institutions of higher education that provide a program of training that leads to a recognized postsecondary credential;
 - Entities that carry out programs registered under the National Apprenticeship Act;
 - Public or private training providers, including community-based organizations, joint labor management organizations, pre-apprenticeship programs that provide training, and occupational or technical training; and
 - Providers of adult education and literacy activities provided in combination with occupational skills training.
- Registered Apprenticeship programs are exempt from most of the ETPL requirements.

Initial Eligibility and Application Process for all Providers except Registered Apprenticeship Programs:

Beginning October 1, 2015, training providers must apply for Montana's ETPL by submitting an application for initial program eligibility. Eligibility will be granted for one year. Training providers may apply for initial program eligibility throughout the year. Programs will be placed on the ETPL effective the date they were approved or the date the application was received, whichever comes first.

- A provider interested in applying for the ETPL shall submit the WIOA initial application to provide training services and a W-9 to the Montana Department of Labor and Industry. (link to application below)
The training provider may not receive WIOA funds until the provider is approved to be on the ETPL. Training providers applying for initial program eligibility must provide the following information to be considered for Montana's ETPL:
 - A description of each program of training services to be offered;
 - Information on cost of attendance; including costs of tuition and fees;
 - Whether the training program leads to an industry recognized certificate or credential, including recognized post-secondary credentials;
 - Whether the certificate or credential can be stacked with other credentials over time as part of a sequence to move an individual along a career pathway or up a career ladder;
 - Whether the provider has developed the training in partnership with a business and if so, which business;
 - Which in-demand industry sectors and occupations best fit with the training program;
 - A description of the prerequisites or skill and knowledge required prior to the commencement of training;
 - Social Security Numbers for all students, regardless of funding source; and

- The degree to which training programs relate to in-demand industry sectors and occupations in the state.
- Social Security numbers must be provided for all students, by program of study, for the previous two calendar years (January 1 through December 31). Training providers that have not been in existence for at least two years will be required to provide student data for the time period available.
- Once the application is submitted, the state will determine whether required information has been provided. The training provider will then be placed on Montana's ETPL.
- A service provider will be considered out of compliance if they send a client to a training provider or training program that has not been approved.

Continued Eligibility for all Training Providers except Registered Apprenticeship Programs:

- After the initial eligibility period of one year the training provider must submit an application for continued eligibility. Training providers must submit applications for continued program eligibility every two years and will expire two years from the approval date. The continued eligibility application is required for any program that has previously been on the list. Dropping off the lists for a period of time does not return a program to an initial eligibility status.
- Applications for continued eligibility must show the training program has the appropriate state licensure to operate a training program. The application must include the following (in addition to updating the information provided for initial eligibility):
 - The total number of clients enrolled in the program;
 - The total number of clients completing the program;
 - The total number of clients exiting the program;
 - Information on recognized post secondary credentials received by program clients;
 - Information on the program completion rate for such clients;
 - Description of how the provider will ensure access to training services throughout the state, including rural areas and through the use of technology;
 - Description of how training is provided to individuals who are employed and/or individuals with barriers to employment; and
 - Information reported to state agencies on training programs other than programs within WIOA.

Transition of Eligible Training Providers from WIA to WIOA:

- The WIA ETPL will remain in place until all training providers have been transitioned to the WIOA ETPL. During program year 2016, minimum performance targets will not be set as eligibility criteria for training programs to remain on the ETPL.

Registered Apprenticeship Programs:

- Registered Apprenticeship program sponsors and the any training provider the sponsor is utilizing that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the state that it no longer wants to be included on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements; a period of initial eligibility or initial eligibility procedures because they go through a detailed application and vetting procedure to become a Registered Apprenticeship program. The following information will be required from all current and future Registered Apprenticeship programs:
 - Occupations included within the Registered Apprenticeship program;
 - The name and address of the Registered Apprenticeship program sponsor;
 - The name and address of the related technical instruction provider, and the location if different from sponsors' address;
 - The method and length of instruction;
 - The number of active apprentices; and
 - A form W-9 for the sponsor.

- Any Registered Apprenticeship program sponsor taking an application is to be considered an in-demand occupation by default.
- Pre-apprenticeship programs do not have the same automatic ETP status.

Performance Report Requirements:

- The program specific performance information submitted to the state from the training provider must include the following:
 - The state primary indicators of performance for activities provided under the adult and dislocated worker programs including:
 - The percentage of WIOA program clients who are in unsubsidized employment during the second quarter after exit from the program;
 - The percentage of WIOA program clients who are in unsubsidized employment during the fourth quarter after exit from the program;
 - The median earnings of WIOA program clients who are in unsubsidized employment during the second quarter after exit from the program;
 - The percentage of WIOA program clients who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program;
 - Information identifying the recognized post-secondary credentials received by WIOA clients;
 - Program cost information, including tuition and fees, for WIOA clients in the program;
 - Information on the program completion rate for WIOA clients;
 - Information specifying levels of performance achieved with respect to all individuals engaging in a program of study (or the equivalent) to include [WIOA sections 116 d 4](#) :
 - The percentage of program of study clients who are in unsubsidized employment during the second quarter after exit from the program;
 - The percentage of program of study clients who are in unsubsidized employment during the fourth quarter after exit from the program;
 - The median earnings of program of study clients who are in unsubsidized employment during the second quarter after exit from the program;
 - The percentage of program of study clients who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program; and
 - The total number of individuals (regardless of pay source) exiting from the program of study (or the equivalent).
- If no data is available, the provider must start tracking required data and submit all data the first full quarter after placement on the list.

Eligible Training Provider Exceptions:

- There are several exceptions to the required use of the ETPL. In situations covered by these exceptions a contract for services may be used to provide for training in lieu of the ETPL process of eligibility.
Exceptions:
 - Providers of on-the-job training;
 - Customized training;
 - Incumbent worker training;
 - Internships;
 - Paid or unpaid work experience;
 - Transitional employment;
 - Training of multiple individuals in high-demand industry sectors or occupations (a cohort of businesss training multiple people);

- Clients solely enrolled in a Trade Adjustment Assistance (TAA) program may choose a training provider that is not on the ETPL. However, if a client is co-enrolled in TAA and WIOA the exemption will only still apply when TAA funds the training. Conversely, when a client is co-enrolled and WIOA funds the training the training must be listed on the ETPL.
- Short-term prevocational training of approximately one week or less which does not provide an industry-recognized certification or credential upon completion.
- Where the State Workforce Innovation Board (SWIB) determines there are an insufficient number of providers in the local area. A provider must meet the following criteria to be considered for the exemption:
 - No other training provider currently listed on the states ETPL within a 90 mile radius offers the program of training; and
 - The program of training is not offered online from a training provider currently listed on the states ETPL.
- Where the State Workforce Innovation Board (SWIB) determines that a community-based organization or nonprofit whose primary mission is to serve individuals with barriers to employment provides training that results in an industry recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state involved or the federal government, an associate or baccalaureate degree or a secondary school diploma or its equivalent.

Conditions for Removal from the ETPL:

- The state may remove a program or programs from the list for failing to meet the established criteria or for not providing all required performance information for continued eligibility. Removal is also appropriate if the program has failed to attain or lost the accreditation required for professional licensure. A training provider that is removed from the list may reapply for continued eligibility when they can demonstrate that they meet all the requirements.
- Any providers that willfully supply false performance information, misrepresent costs or services, or substantially violate requirements of WIOA law will be removed from the ETPL by the state for a period of not less than 2 years. Providers are liable to repay all adult and dislocated worker funds received during the period of non-compliance.
- At a minimum the state will conduct a biennial review of providers on the list to assess providers failing to meet performance, reporting, or other requirement that may result in a provider being removed from the list.
- In the event of a training provider or a program of training services is removed from the list while WIOA clients are enrolled, the clients may complete the program unless the provider or program has lost state licensing, certification, or authorization to operate by the appropriate state oversight agency.

Appeal Process:

- Training providers can choose to appeal the denial or termination of their program for inclusion on the ETPL, or its subsequent termination of eligibility. Training providers must submit their appeal in writing either by mail or email to the following address(s) within 14 days after the written notification of the decision.

Montana State Workforce Innovation Board
PO Box 1728
Helena, MT 59624-1728
Or
swib@mt.gov

The appeal must include the justification for the appeal in their request. The training provider also has the right to request a hearing to discuss their appeal.

- The appeals procedure will allow for a review before a SWIB WIOA committee if requested and a decision will be made within 60 days of appeal. This will be a final decision and the program will be unable to reapply through the ETPL eligibility process for one year from the date of final notification by the state.

1 Out-of-State Training Providers:

- 2 • WIOA funds may be used for approved programs from other states. Approved training providers and
3 programs based in other states are not required to complete an application for approval in Montana. In
4 order for a client to obtain training through an out-of-state provider, the training provider must be listed on a
5 state maintained eligible training provider list from another state.
- 6 • All training providers and programs recognized by other states must meet Montana's state criteria
7 established for initial eligibility and performance criteria established by this policy must be met. A reciprocity
8 agreement between Montana and the other state must be established prior to WIOA funds being issued to
9 an out of state training provider or program.
- 10 • In the event that a reciprocity agreement is unable to be established between Montana and another state,
11 WIOA funds may be issued to a training provider in another state when the following conditions are met:
 - 12 ○ The training program the client is looking to attend is not offered by any training providers or eligible
13 training providers in Montana; and
 - 14 ○ The training provider is in good standing on that state's ETPL.

15 Administrative Requirements:

16 Reporting Requirements:

- 17 • The state shall collect data from the ETPs quarterly to combine with the following data to submit the federal
18 reports:
 - 19 ○ The total number of WIOA clients served by WIOA Youth, Adult, Dislocated Worker, Adult Education,
20 Employment Services under Wagner-Peyser and Vocational Rehabilitation;
 - 21 ○ The number of WIOA clients who received career and training services, respectively, during the most
22 recent program year and the 3 preceding program years, and the amount of funds spent on each
23 type of service;
 - 24 ○ The number of WIOA clients who exited from career and training services, respectively, during the
25 most recent program year and the 3 preceding program years;
 - 26 ○ The average cost per WIOA client of those clients who received career and training services,
27 respectively, during the most recent program year and the 3 preceding program years;
 - 28 ○ The percentage of WIOA clients in an authorized program who received training services and
29 obtained unsubsidized employment in a field related to the training received;
 - 30 ○ The number of individuals with barriers to employment served by WIOA Youth, Adult, Dislocated
31 Worker, Adult Education, Employment Services under Wagner-Peyser and Vocational Rehabilitation,
32 disaggregated by each subpopulation of such individuals;
 - 33 ○ The number of WIOA clients who are enrolled in more than 1 of the Youth, Adult, Dislocated Worker,
34 Adult Education, Employment Services under Wagner-Peyser or Vocational Rehabilitation programs;
35 and
 - 36 ○ The percentage of the state's annual allotment that the state spent on administrative costs.

37 Dissemination of the ETPL:

- 38 • The state shall disseminate the ETPL through modern technological means. The state shall host the list on
39 the its website located at [ETPL Provider Webpage](#).

40 Technical Assistance:

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

1 **Monitoring and Evaluation:**

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

4 **References:**

- 5 • [Initial Application for ETPL](#)
6 • [Search Montana ETPL](#)
7 • [TEGL 41-14](#)
8 • [CFR 680.400 - 680.530](#)
9 • [WIOA sections 116 and 122](#)