



# Montana Department of LABOR & INDUSTRY

1 Division: Workforce Services Division  
2 Category: WIOA  
3 Original Effective Date: 3/30/2017  
4 Last Revised: 02/08/2024  
5 Policy No.: 05-16

## 6 Eligible Training Provider List (ETPL) Policy

7 **Background:** The Workforce Innovation and Opportunity Act (WIOA) identifies allowable types of job-driven  
8 training and safeguards Eligible Training Provider (ETP) performance, informed customer choice, continuous  
9 improvement, and cost-effective investment of public funds. WIOA Title I training for adult, dislocated worker, and  
10 out-of-school youth (OSY) ages 16-24 can be provided through a variety of contract processes or funded through  
11 Individual Training Accounts (ITAs).

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13 On May 18, 2023, the US Department of Labor (USDOL) approved Montana's request to waive the requirement  
14 limiting ITAs to only OSY, ages 16-24. For Program Year (PY) 2023, starting July 1<sup>st</sup> and ending June 30, 2024,  
15 Montana may use ITAs for in-school youth (ISY), ages 16-21. Montana's 2024 State Plan includes a request to  
16 continue the waiver past June 30, 2024.

17  
18 Montana's Eligible Training Provider List (ETPL) identifies training providers who meet requirements for initial  
19 eligibility and continued eligibility for the use of ITAs. Registered Apprenticeship Program (RAP) sponsors, and any  
20 training provider the sponsor utilizes who requests to be an ETP, are automatically designated as an eligible  
21 training provider. If the program is registered, they remain on the list until the program sponsor notifies the state  
22 they wish to opt-out.

23  
24 **Scope:** This policy applies to all service providers operating WIOA Title I programs, training providers,  
25 WIOA program managers, WIOA fiscal officers, and the WIOA monitoring team. This policy is effective March 20,  
26 2024.

## 27 Policy:

### 28 Definitions:

- 29 • **Eligible Training Provider (ETP)** – a provider of training services who has met the eligibility requirements  
30 to receive WIOA Title Ib funds to provide training services to eligible participants. Registered  
31 apprenticeship programs are automatically considered eligible training providers and are eligible for  
32 placement on the ETPL with the provision of minimal information.
- 33 • **Individual Training Accounts (ITAs)** – payment agreement established by the State Workforce Innovation  
34 Board (SWIB), on behalf of a participant, with a training provider who is on Montana's list of ETPs.
- 35 • **Program of Training Services** – one or more courses or classes, or a structured regimen which lead to:
  - 36 ○ An industry recognized certificate or certification, a certificate of completion of a registered
  - 37 apprenticeship, a license recognized by the state involved or the federal government, an
  - 38 associate or baccalaureate degree;

- 39 ○ Secondary school diploma or its equivalent;
- 40 ○ Employment; or
- 41 ○ Measurable skill gains toward a credential or employment.
- 42 ○ Training services may be delivered in person, online, or in a blended approach.
- 43 ● **Recognized Postsecondary Credential** - please refer to Montana Department of Labor & Industry's
- 44 (MTDLI) Credentials Policy.
- 45 ● **Pre-Apprenticeship** is a program designed to prepare individuals to enter and succeed in registered
- 46 apprenticeship programs. These programs have a documented partnership with at least one registered
- 47 apprenticeship program sponsor and together, they expand the participant's career pathway
- 48 opportunities with industry-based training coupled with classroom instruction.

#### 49 **Entities Qualified to Apply to be on the ETPL:**

- 50 ● The following types of training providers may apply to receive WIOA Title Ib funds to provide training to
- 51 participants:
- 52 ○ Institutions of higher education that provide a program of training that leads to a recognized
- 53 postsecondary credential;
- 54 ○ Entities that offer registered apprenticeship programs;
- 55 ○ Public or private training providers, including community-based organizations, joint labor
- 56 management organizations, pre-apprenticeship programs that provide training, and
- 57 occupational or technical training; and
- 58 ○ Providers of adult education and literacy activities provided in combination with occupational
- 59 skills training.

#### 61 **Application for Initial Eligibility (exception: Registered Apprenticeship Programs)**

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- 63 ● A training-service provider, applying for initial eligibility on Montana's ETPL, can submit the application
- 64 for initial eligibility found at <https://www.dli.training/course/view.php?id=90>
- 65 ● Please submit a W-9 to [MTETPL@mt.gov](mailto:MTETPL@mt.gov)
- 66 ● Applications will be reviewed by the agency to determine eligibility.
- 67 ● Training providers may apply throughout the year. Initial eligibility will be granted for one year, effective
- 68 the date of approval.

#### 69 **Initial Eligibility Requirements**

- 70
- 71 ● Training providers must provide the following verifiable, program-specific performance information:
- 72 ○ The type of training entity, such as institution of higher education or public or private provider;
- 73 ○ The name and a short description of each program of training services to be offered. The
- 74 description may include course prerequisites and learning outcomes;
- 75 ○ The potential outcome of training services; i.e., industry-recognized certification or unsubsidized
- 76 employment during 2nd and 4th quarters after exit and credential attainment;
- 77 ○ Information about whether the provider is in a partnership with a business;
- 78 ○ Alignment of training services with in-demand industry sectors and occupations; and
- 79 ○ A signed data-sharing agreement.

#### 81 **Application for Continued Eligibility**

- 82
- 83 ● Approved training providers applying for continued program eligibility must provide the following
- 84 verifiable, program-specific annual performance information at the following website:
- 85 <https://www.dli.training/course/view.php?id=90>

- 86 ○ The total number of participants who received training services through a WIOA title I core
- 87 program;
- 88 ○ The total number of participants who exited from training services;
- 89 ○ The average cost per participant for the participants who received training services;
- 90 ○ The number of participants with barriers to employment served by the WIOA Title I core
- 91 programs; and
- 92 1. The levels of performance achieved for all individuals engaging in the program of study
- 93 (or the equivalent), specifically:
  - 94 ■ The percentage of individuals who are in unsubsidized employment during the
  - 95 second quarter after exit from the program;
  - 96 ■ The percentage of individuals who are in unsubsidized employment during the
  - 97 fourth quarter after exit from the program;
  - 98 ■ The median earnings of individuals who are in unsubsidized employment during the
  - 99 second quarter after exit from the program; and
  - 100 ■ The percentage of individuals who obtain a recognized postsecondary credential, or a
  - 101 secondary school diploma or its recognized equivalent during participation in or
  - 102 within 1 year after exit from the program.
- 103 2. The total number of individuals exiting from the program of study (or the equivalent). MTDLI
- 104 will continue to review initial and continued eligibility, procedure, and information
- 105 requirements to ensure that eligible training providers are available in local workforce areas
- 106 and successful in meeting training requirements for targeted or in-demand occupations.
- 107 ● The application is also required for all programs that were previously on the ETPL but dropped off.
- 108 ● Continued eligibility will be granted for one year, effective the date of approval. Once approved, training
- 109 providers will be eligible for WIOA funding.
- 110

## 111 Continued Eligibility Requirements

- 112 ● Primary indicators of performance for activities provided under the Adult, Dislocated Worker, and Youth
- 113 programs:
  - 114 ○ The percentage of individuals who are in unsubsidized employment during the second quarter
  - 115 after exit from the program;
  - 116 ○ The percentage of individuals who are in unsubsidized employment during the fourth quarter
  - 117 after exit from the program;
  - 118 ○ The median earnings of individuals who are in unsubsidized employment during the second
  - 119 quarter after exit from the program; and
  - 120 ○ The percentage of individuals who obtain a recognized postsecondary credential, or a secondary
  - 121 school diploma or its recognized equivalent during participation in or within 1 year after exit
  - 122 from the program.
- 123 ● Training providers must provide the following verifiable program information:
  - 124 ○ Access to training services throughout Montana, including rural areas and through the use of
  - 125 technology;
  - 126 ○ Information reported to state agencies for federal and state training programs other than WIOA
  - 127 Title Ib programs;
  - 128 ○ The degree to which the training program(s) relate to in-demand industry sectors and
  - 129 occupations in Montana;
  - 130 ○ State licensure requirements of training providers and licensing status, if applicable;
  - 131 ○ ETP's ability to offer industry-recognized certificates and credentials;
  - 132 ○ ETP's ability to offer programs that lead to a recognized post-secondary credential;
  - 133 ○ Quality of the training services, including a program that leads to a recognized post-secondary
  - 134 credential;

- 135 ○ ETP's ability to provide trainings that are physically and programmatically accessible for
- 136 individuals who are employed or who have barriers to employment, including those with
- 137 disabilities; and
- 138 ○ ETP's ability to submit annual performance and cost information.

### 139 Registered Apprenticeship Programs (RAPs):

- 140 ● RAPs **are not** subject to the same application and performance information requirements or initial
- 141 eligibility procedures owing to the detailed application and vetting process required to become a RAP.
- 142 The following information will be required from all current and future Registered Apprenticeship
- 143 programs:
  - 144 ○ Occupations included within the RAP;
  - 145 ○ The name and address of the RAP sponsor;
  - 146 ○ The name and address of the related technical instruction provider, and the location if different
  - 147 from sponsors' address;
  - 148 ○ The method and length of instruction;
  - 149 ○ The number of active apprentices; and
  - 150 ○ A W-9 form for the sponsor.
- 151 ● Any RAP sponsor taking an application will be considered an in-demand occupation by default.
- 152 Pre-apprenticeship programs do not have the same automatic ETP status.

### 153 Eligible Training Provider Exceptions:

- 154 ● In lieu of the ITA-ETPL process of eligibility, a contract for services may be used for the following:
  - 155 ○ On-the-job training (OJT);
  - 156 ○ Customized training;
  - 157 ○ Incumbent Worker Training (IWT);
  - 158 ○ Internships;
  - 159 ○ Paid or unpaid work experience; and
  - 160 ○ Transitional employment;
- 161 ● Participants solely enrolled in a Trade Adjustment Assistance (TAA) program may choose a training
- 162 provider that is not on the ETPL. However, if the participant is co-enrolled in TAA and WIOA National
- 163 Dislocated Worker Grants Program and WIOA funds the training, the training provider must be listed on
- 164 the ETPL.
- 165 ● If the State Workforce Innovation Board (SWIB) determines that a community-based organization or
- 166 nonprofit, whose primary mission is to serve individuals with barriers to employment, provides training
- 167 that results in an industry recognized certificate or certification, a certificate of completion of a
- 168 registered apprenticeship, a license recognized by the state involved or the federal government, an
- 169 associate or baccalaureate degree or a secondary school diploma or its equivalent.

### 170 Conditions for Removal from the ETPL:

- 171 ● Failure to meet the established criteria or not providing all required performance information for
- 172 continued eligibility. Removal is also appropriate if the program has failed to attain or lost the
- 173 accreditation required for professional licensure. A training provider who is removed from the list may
- 174 reapply for continued eligibility when they demonstrate that they can meet all the requirements.
- 175 ● Willfully supplying false performance information, misrepresenting costs or services, or substantially
- 176 violating requirements of WIOA law. Providers will be removed from the ETPL by the state for a period of
- 177 not less than 2 years and are liable to repay all funds received during the period of non-compliance.
- 178 ● If a training provider or program is removed from the list while participants are enrolled, participants
- 179 may complete the program if the provider or program retains state licensing, certification, or
- 180 authorization to operate by the appropriate state oversight agency.
- 181 ● A RAP may be removed for the following reasons:

- 182 ○ The program sponsor notifies the state they wish to be removed from the ETPL;
- 183 ○ The program is deregistered; or
- 184 ○ It is determined that the program intentionally supplied inaccurate information or substantially
- 185 violated a provision of WIOA Title I or its regulations.

## 186 Appeal Process:

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

191 Montana State Workforce Innovation Board  
192 PO Box 1728  
193 Helena, MT 59624-1728  
194 Or

195 [swib@mt.gov](mailto:swib@mt.gov)

196 The appeal must include the justification for the appeal in their request. The training provider also has

197 the right to request a hearing to discuss their appeal.

- 198 • The appeals procedure allows a review before the SWIB or the WIOA committee. A decision will be made
- 199 within 60 days of appeal. The decision is final, and the program cannot reapply for ETPL eligibility for
- 200 one year from the date of the state's final notification.

## 201 Out-of-State Training Providers:

- 202 • WIOA funds may be used for approved programs from other states. A participant may obtain training
- 203 through an out-of-state provider if the training provider is listed on the other state's ETPL.
- 204 • All training providers and programs recognized by other states must meet Montana's criteria for initial
- 205 eligibility. The performance criteria established in this policy must also be met.
- 206 • Even if Montana has a reciprocity agreement with another state, an ETP must still provide contact
- 207 information, specific program information, and agree to comply with reporting requirements.
- 208 • If a reciprocity agreement cannot be established between Montana and another state, WIOA funds may
- 209 be issued to a training provider when the following conditions are met:
  - 210 ○ The participant's training program of choice is not offered by any training providers or eligible
  - 211 training providers in Montana; and
  - 212 ○ The training provider is in good standing on that state's ETPL.

## 213 Administrative Reporting Requirements:

- 214 • The state will disseminate the ETPL through modern technological means.

## 215 Monitoring and Technical Assistance:

- 216 • The WIOA program manager(s) will provide technical assistance.
- 217 • A formal monitoring will be conducted by the entity designated by SWIB.

## 218 References:

- 219 • [montanaworks.gov/training](http://montanaworks.gov/training)
- 220 • [20 CFR 677.150 \(a\) WIOA Performance Accountability Definitions](#)
- 221 • [20 CFR 680.400 - 680.530 ETP Guidelines](#)
- 222 • [WIOA sections 116 and 122 ETP Reporting](#)
- 223 • [ETP Reporting Template \(ETA-9171\)](#)
- 224 • [TEGL 13-16 Guidance on Registered Apprenticeship Provisions \(2017\)](#)

- 225 • [TEGL 8-19 WIOA Title I Training Provider Eligibility](#)
- 226 • [TEGL 8-19, change 1 Guidance on Registered Apprenticeship \(2021\)](#)
- 227 • [20 CFR 681.550 Individual Training Accounts \(ITAs\) for Youth Participants](#)