

SOUTHERN WORKFORCE BOARD, INC.



ELIGIBLE TRAINING PROVIDER PERFORMANCE POLICY

SWB – #106

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Purpose:

The Oklahoma Office of Workforce Development (OOWD), as the Governor’s Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this issuance as joint guidance to the workforce system in the state on the requirements for training providers, program eligibility and maintenance of the Eligible Training Provider List (ETPL). This guidance supersedes all previously issued policies regarding the ETPL.

References:

- The Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128);
- 20 CFR Part 680;
- TEGL 19-16
- TEGL 03-18;
- TEGL 08-19;
- TEGL 13-16, Change 1
- TEGL 08-19, Change 1

RESCISSIONS

OWDI #01-2022

EXPIRATION DATE

Continuing

Message:

WIOA training services are based on informed consumer choice in the selection of training programs. A WIOA participant determined to be eligible for training services may select a training provider and program from the ETPL after consultation with a WIOA career advisor. Unless training funds are not available, participants are issued an Individual Training Account (ITA) voucher which may pay for the cost of training, in whole or in part, depending upon the local workforce area policy and ITA dollar limits.

With few exceptions, training providers and their programs must be approved on the ETPL in order to receive funds for training jobseekers enrolled in Oklahoma's WIOA programs. To be approved for the ETPL, training programs must meet state and local requirements, which includes completion of the program resulting in a federally recognized credential or skills progression toward one and being related to target industry sectors and in-demand occupations in Oklahoma.

The State is required to develop and operate the ETPL in partnership with Local Workforce Development Boards (LWDB). The ETPL is designed to collect relevant data and display useful information to WIOA customers on training providers, their services and the quality of their programs. Oklahoma strives to populate the ETPL with training programs that are proven to be successful and remove those programs that fail to achieve positive results for training customers.

The State has revised the guidance on the ETPL policy and procedures for initial eligibility and continuing eligibility to: streamline and clarify the process for training provider applications throughout the state; clearly define terminology; clarify minimum performance standards for providers; and promote strategic relationships between local boards and interested education and training providers in the state to move beyond transactional exchanges limited to ITAs. The

eligibility requirements will promote accountability, quality, and labor market relevance of training programs that may receive WIOA funds and will ensure that jobseekers not only have informed consumer choice, but also a selection of quality choices.

INSTRUCTIONS:

The Oklahoma ETPL Procedures Guide outlines the types of training authorized under WIOA, and the initial and subsequent eligibility processes and criteria for organizations interested in being added to the ETPL. The guide defines State, Local Board, and Training Provider responsibilities, stressing the importance of close collaboration between Local Boards and training providers seeking to serve WIOA customers in the local area. The guide also includes a section to assist training providers in self-registering as a provider on OKJobMatch.com and how to submit programs for inclusion on the ETPL.

The Oklahoma ETPL is searchable at OKJobMatch.com, the state's virtual case management and ETPL system. It is also locally accessible through other databases and partner entity websites for stakeholders (the public, local boards, the American Job Centers (AJCs) and their partner programs, and postsecondary education systems) via online methods such as OklahomaWorks.gov. Oklahoma's ETPL, along with every other state's ETPL, is also maintained by the Employment and Training Administration (ETA) on careeronestop.org, and additional access to the public and stakeholders is published on TrainingProviderResults.gov by the U.S. Department of Labor Employment and Training Administration (DOLETA).

ATTACHMENTS:

Attachment I: Oklahoma ETPL Procedures Guide

Attachment II: Training Program Approval Workflow

Attachment III: Training Program Initial Eligibility Performance Requirements Scenarios

EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub-recipients/Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ATTACHMENT I
Oklahoma ETPL Procedures Guide

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Terminology

ALL STUDENT POPULATION -The aggregate number of WIOA and non-WIOA individuals enrolled in a training provider's training program/program of study.

CONTINUED ELIGIBILITY-Approval that allows a training provider to remain on the ETPL until the next continued eligibility decision, which occurs at least every two years.

ELIGIBLE TRAINING PROVIDER -An organization that has applied and been approved by the state to receive WIOA training funds for the purpose of providing training to clients enrolled in the WIOA program in Oklahoma. In order for a training provider to receive WIOA training funds paid via an ITA for adults, dislocated workers, and out-of-school youth aged 16-24, if appropriate, the programs must be programmed on the ETPL.

ELIGIBLE TRAINING PROVIDER LIST-A list containing training programs that have received the state's seal of approval to be offered to WIOA program participants and have WIOA participants referred to the training provider's program(s).

EXITED -A student enrolled in a training program who completes, withdraws, or transfers from the program during the reporting period.

INDIVIDUAL TRAINING ACCOUNT (ITA) -A payment agreement established by a local workforce development board (LWDB), on behalf of a participant, with an eligible training provider. May be used to pay for any allowable type of training, as long as the training provider and training program is in the Oklahoma EPTL.

INITIAL ELIGIBILITY -Approval that allows a training provider's program into the ETPL for a trial period of one year.

OKJOBMATCH -The online website by which all provider and program applications are submitted. The ETPL is also published on OKJobMatch in accordance with WIOA regulations.

POSTSECONDARY CREDENTIAL-A credential consisting of an industry-recognized certificate or certification; license recognized by the State or Federal government, or an associate or baccalaureate degree. Note: a certificate of completion of a program only counts as a credential if it is for the completion of a registered apprenticeship. Graduate degree programs (master's and higher) are not eligible for inclusion on the ETPL.

PROGRAM (or PROGRAM OF STUDY) - One or more courses or classes, or a structure regimen, that leads to either a license recognized by the state or Federal Government, a postsecondary credential, secondary school diploma or its equivalent; employment; or measurable skills gains

toward such a credential or employment. These training services could be delivered in person, online, or in a blended approach.

REGISTERED APPRENTICESHIP PROGRAM (RAP) -An apprenticeship program registered and recognized by the United States Department of Labor's Office of Apprenticeship.

REPORTING PERIOD - The span of time for which student performance outcomes are aggregated and prepared for external use. For the purposes of program eligibility determinations, the reporting period is generally the time in between eligibility decisions, generally 24 months after initial determination and 12 months after subsequent eligibility.

Allowable Training Under WIOA, Title I

Funds paid to a provider may be for the following types of training:

- Occupational skills training, including training for nontraditional employment;
- On-the-Job Training (OJT);
- Incumbent Worker Training (IWT);
- Programs that combine workplace training and related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness training provided in combination with the training services described above or with transitional jobs, as described in WIOA 134 and 20 CFR 680;
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with training services described above;
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

State and LWDB Responsibilities

The state is required to develop and operate the ETPL in partnership with the LWDBs. LWDBs accept applications for training programs, determine if training offerings are for in-demand occupations, assist training providers that wish to be placed on the ETPL by providing information and technical assistance on the application process, and make recommendations to OOWD for approving or denying the providers and their programs for initial and continued eligibility.

OOWD has final authority on approval/denial of ETPL providers, and will maintain the ETPL on the OKJobMatch website, review LWDB procedures for the provision of initial and continued eligibility, and provide additional review of training providers and their programs. Additional responsibilities are as follows:

SWB is responsible for carrying out the following procedures assigned by the State:

1. SWB will use the OKJobMatch ETPL system for accepting virtual applications from providers to be on the ETPL. SWB may authorize qualified staff members (ETPL Coordinator) to act on their behalf in making determinations for initial and/or continued eligibility of providers and their program(s).
2. Ensure access to training services throughout the state, including rural areas, by approving programs that use technology based or remote learning.
3. SWB will conduct outreach to their local and regional employers and education and training providers to ensure that clients residing within the counties covered by the local area have an ample selection of training programs that provide credentials, certificates and/or skills that are valued by employers within target industry sectors identified in the State Plan and the Local or Regional Plan.
4. SWB will provide ITAs for training programs that support a career pathway for the client in growing, in-demand occupations, and/or target industry sectors identified in the local plan.
5. Ensure that there are sufficient numbers and types of providers of 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 in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities.
6. Monitor training providers and their programs for compliance and performance.
7. Establish relationships with the ETPs in the local area to provide technical assistance, collect performance information as required by the State and determine whether the providers meet the required performance criteria.
8. Locally approve or deny initial and continued eligibility applications based on said criteria.
9. Notify training providers and the state's ETPL Administrator of the denial of programs at the local level.
10. Recommend that the state remove ETPs that fail to meet performance standards
11. Ensure that the state's ETPL is disseminated publicly through the local one-stop system, including in formats accessible to individuals with disabilities.
12. Identify in-demand occupations for the local area using relevant labor market information. SWB will establish, maintain, review and update annually a program of existing or emerging occupations that are determined to:
 - a. be part of a sector of the economy that has a high potential for sustained demand or growth in the local area;
 - b. target industry clusters within the local area;
 - c. support economic growth priorities; and
 - d. address industry-specific shortages.
13. Thoroughly research the training provider and programs applying to be on the ETPL and review the accuracy of eligibility and performance information for initial applications and applications for continued eligibility ETPL approval prior to submission to the State for final approval.
14. The SWB staff and/or the Service Provider must accurately assess WIOA customers' career interests and assist them in the selection of training programs

that are directly linked to said interests and employment opportunities in their local area.

The OOWD must:

1. Monitor LWDBs to ensure compliance with the ETPL policy and procedures and streamlined practices.
2. Develop, maintain, and disseminate the ETPL, including the list of training providers and their programs of study.
3. Establish a minimally burdensome mechanism for adding Registered Apprenticeship Programs (RAPs) to the list and verifying registration status at least every two years.
4. Work with the Governor's Council to develop procedures, information requirements, and criteria for determining eligibility, including clarifying state and LWDB responsibilities.
5. Review and finalize the approval of providers and programs recommended by the LWDBs.
6. Determine whether training providers submitted accurate information for the eligibility criteria and performance levels, and take enforcement actions as needed if the provider intentionally submitted inaccurate information or substantially violated WIOA requirements.
7. Ensure that established performance levels for initial and/or continued eligibility are met, including verifying the accuracy of the information.
8. Establish procedures for removing a provider from the ETPL.
9. Establish a procedure by which a provider can demonstrate that providing state-required additional performance and cost information would be unduly burdensome or costly.
10. Establish initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible;
11. Make decisions on training provider appeals to OOWD, after a training provider receives an unsatisfactory appeal decision at the local level, which includes an opportunity for a hearing and a timely decision.
12. Ensure training providers' applications and programs approved by LWDBs are reviewed, and those approved are placed on the ETPL in a timely manner.
13. Maintain and publish a directory of ETPL Coordinators.
14. Facilitate direct communication between LWDBs and institutions interested in inclusion on the Oklahoma ETPL.
15. Provide training and technical assistance to ETPL Coordinators. Resources and technical assistance will be provided by the state's ETPL Administrator to ETPL Coordinators and Training Providers on application processes, compliance requirements, and reporting documents.

Training Providers

In-State Training Providers

A training provider who wishes to have a program approved will be required to submit a virtual application for approval as a provider by signing up for a provider account in OkJobMatch. Most providers designate one individual representative to serve as the manager for this account. The training provider shall provide all required information and agree to the assurances in the OKJobMatch ETPL module. The state's ETPL Administrator must review and approve providers for the Oklahoma ETPL if the provider meets state eligibility requirements. Only OOWD approves providers and their accounts. Training providers are encouraged to apply at least 60 days in advance of initial program offerings to allow sufficient time for Local and State eligibility decisions. Incomplete program or provider applications, including incomplete requests for an ETP username, may not be approved.

Once the provider account is approved by OOWD, the training provider, with guidance or assistance from the appropriate ETPL Coordinator(s), shall submit program offerings via the virtual application module on OKJobMatch. It is the ETPL Coordinator's role to provide assistance and guidance to training providers who register or wish to register in OKJobMatch.

Out-of-State Training Providers

A jobseeker may choose a training provider and program located outside the local area or the State, including an online training program, in accordance with local policies and procedures, provided the training program is on Oklahoma's ETPL. The provider selected by the WIOA participant must be in an adjoining state and must be included on the respective State's ETPL. Oklahoma will enter into an agreement with each out-of-state training provider for payment purposes but will not pay out of state tuition rates and fees. Out of State training providers must register in OKJobMatch and meet the same information requirements for initial and subsequent eligibility specified in this guide. The following examples are provided to show when an out-of-area or out-of- state provider and program may be appropriate:

- When there are an insufficient number of eligible providers of a program of training services to meet the local area's demand,
- When the out-of-area or out-of-state training provider is located closer than providers with similar programs within the local area (such as in rural areas), or
- When other factors are deemed appropriate by the Local Board.

Training providers outside of Oklahoma must follow the same process for inclusion on Oklahoma's ETPL as providers within the State. The local area is responsible for ensuring out-of-state providers offer quality training programs that meet local in-demand occupation requirements. LWDBs must also exercise prudence in referring a client to an out-of-state or out-of-local-area program offering where another comparable training provider or program are available within the state and/or local area.

Training Provider Eligibility Criteria

The following types of entities may apply for an ETP account, and are the only entities eligible to provide training for participants enrolled in WIOA Title I funded programs and paid through and ITA:

- Institutions of higher education that provide a program or programs that lead to recognized postsecondary credentials;
- Private vocational schools, including but not limited to, private educational institutions eligible to receive federal funds under Title IV of the Higher Education Act of 1965;
- Apprenticeship programs, including Industry Recognized Apprenticeship Programs (IRAPs) and Registered Apprenticeship Programs (RAPs);
- Other public or private providers of training, which may include community-based organizations (CBOs) and 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. Eligibility for new training providers that have no history of providing training programs is prohibited until they have been in business for at least 12 months. This does not apply to entities with established operations that are new to Oklahoma or new to the local area. Once an entity has been operational for a minimum of 12 months, all other eligibility requirements apply.

Licensing Requirements

Specific occupations have governing boards that issue licenses, such as the Oklahoma State Board of Licensure for Professional Engineers, Oklahoma Board of Medical Licensure and Supervision, the Oklahoma State Board of Veterinary Medical Examiners, etc. Training providers must be in compliance with State and Federal laws by having a current license, certification, registration, approval or exemption from an appropriate State and/or federal oversight agency prior to applying for approval on the ETPL. The ETPL application requires all entities to enter the name(s) of the organization(s) that accredit, license, register, and/or approve the entity as an educational or training provider. All types of training providers must appropriately enter their institution's approval information on the Institution Information page of the virtual ETPL application. Supporting documentation pertaining to licenses, registrations, approval, or accreditation may be uploaded to the ETPL application.

Additional Eligibility Requirements

- Training providers are required to have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies must be written and published so that students are aware of how to request a refund.
- Training providers must have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other institution employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
- Training providers must offer training programs that are related to: in-demand occupations in the state; align with industry sector strategies and career pathways; and Job driven training programs.
- Training providers must have the ability to: offer programs that lead to an industry-recognized credential, national or state certificate, or degree, including

all industry appropriate competencies, licensing and/or certification requirements, or employment in a specific occupation after receiving measurable technical skills.

- Training providers must assure their ability to provide training programs that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities. Assurances must be signed virtually in OKJobMatch by each ETP that it and all of the provider's employees responsible for providing training services will comply fully with all nondiscrimination and equal opportunity provisions of the laws, including WIOA Section 188, Title IV of The Civil Rights Act of 1964, Section 504 of The Rehabilitation Act of 1973, which prohibits discrimination against qualified individuals with disabilities, The Americans with Disabilities Act (ADA) of 1990, The Age Discrimination Act of 1975, Title IX of The Education Amendments of 1972, and The Oklahoma Act Against Discrimination. If the training provider does assure compliance with each of the laws above, they will not be able to complete the application for inclusion on the ETPL.
- Training providers that have been debarred by any state or the federal government are not eligible to be included on the ETPL during the debarment period.

Initial Eligibility Criteria for Provider's Programs

Once a provider is approved, the provider is able to submit program offerings for consideration for inclusion on the ETPL. In accordance with the state's procedures, all approved providers must submit specific detailed information pertaining to each individual program's application.

Approval of a provider's program(s) for the initial eligibility period of 12 months is based on:

1. Successful submission by the provider of the following information for each program submitted:
 - a. Information addressing the alignment of training with target industry sectors and in-demand occupations;
 - b. The purpose, duration, and objectives of the program offered by the institution;
 - c. Student costs, including tuition, and an itemized listing of all the mandatory fees, as well as refund and financial aid policies;
 - d. Name of the person to contact for information;
 - e. Prerequisites and other requirements of the training program(s);
 - f. Website link to a detailed description of the training program(s);
 - g. Background check requirements for licensing and background restrictions for working in the occupation;
 - h. The federally recognized credential clients receive through the program and the name of such credential;
 - i. Breakdown of the training program costs
2. Required performance data including information about the program performance outcomes addressing a factor related to the WIOA performance

indicators (employment 2nd and 4th quarter after exit, median earnings 2nd quarter after exit, credential attainment}. Please reference Attachment III: Training Program Initial Eligibility Performance Requirement Scenarios, which provides a matrix of different scenarios depending on the duration for which the provider/provider's program(s) have been offered to students.

Special Note: How does Oklahoma identify a "factor" relating to performance for use as one of the criteria in the initial eligibility assessment if the provider has not previously collected program data on WIOA performance measures? The state has identified a variety of measures/proxy data to meet this requirement. Any of the following may be used:

- The training institutions general retention, completion, or placement rates;
- Number of students who obtained employment;
- Number of students who obtained a credential or degree;
- An internal or outside research narrative describing how the selected training program is effective in improving students' employability or earning potential

Example: Meridian Technology Center is applying for placement on the ETPL but has never collected data on WIOA performance indicators: (employment 2nd & 4th Quarter after exit, median earnings 2nd Quarter after exit, credential attainment). The school does have a Consumer Information Brochure that lists that Meridian Technology Center is required to report enrollment, completion, placement, retention, and transfer out rates for the institution. This information may be substituted in lieu of the specific WIOA performance indicators for initial eligibility only.

3. Additional requirements as established by the LWDBs. The local areas may require additional information for inclusion on the ETPL. Additional requirements may prevent a provider and/or program from being approved on the local ETPL, even if approved in the state ETPL. If the LWDB is reviewing provider applications for inclusion in the state ETPL, it must do so using only the state's requirements and not the local area's additional requirements. LWDBs may supplement the criteria and information requirements established by the state in order to support informed consumer choice and the achievement of local performance indicators. LWDBs may not require additional information for RAPs. Examples of additional information LWDBs may request include:
 - a. Information on training programs linked to in-demand occupations in the local area;
 - b. Performance and cost information for the local outlet/site of multi-site providers;
 - c. Information that demonstrates whether local providers are responsive to local program requirements and;
 - d. Other appropriate information related to the objectives of WIOA.

During the initial eligibility assessment SWB is responsible for the following:

- The ETPL Coordinator must review and recommend via approval, or deny, a training program within 30 days of the completed application date;
- Contact the provider applicant to ensure that information missing from the application is made available prior to any eligibility determination;
- Ensure training providers submit for consideration the performance and cost information for each course offering;
- Ensure training providers are in compliance with requirements for licenses, certifications, registrations, or exemptions, when applicable, from the appropriate State and/or federal oversight agency;
- Evaluate the experience and reputation of the training provider and the schedule of offerings;
- Considering other information that may be locally relevant in making a determination of eligibility (i.e., whether the training provider is in partnership with a business)

After reviewing the criteria above, the ETPL Coordinator will recommend approval or denial of the training program(s) to the state's ETPL Administrator. The approval page includes a comments section where the local area must enter the factors on which their recommendation is based, such as local criteria including sector strategies and demand for training. OOWD will review applications for the Oklahoma ETPL within 30 days of receipt from SWB. The online application will then be approved by the state's ETPL Administrator, provided the requirements established in this guide have been met. The state's ETPL Administrator will follow up with the ETPL Coordinator in the event required information is missing or issues are identified. If approved by the State, each program will remain on the ETPL for only 12 months. If the program does not receive approval from the state, it does not appear on the public ETPL disseminated by OOWD. Training providers are notified of the outcome of their request to be added to the approved provider program by an automated e-mail.

Continued Eligibility Criteria for Provider's Programs

Before an approved program has reached the end of the 12-month period of initial eligibility, the training provider must supply updated performance information covering the period of initial eligibility. SWB will review the information provided and make a determination to renew the training provider for an extended period of ETPL eligibility or remove it from the ETPL. To remain on the ETPL as an approved program, the performance must meet the requirements outlined below. If approved, the program is retained on the ETPL for 24 months from the date the training provider/offering is renewed. After 24 months, the program will be assessed again. This process is called continued eligibility.

ETPL Coordinators will find a list of programs that have received Eligibility Expiration Notifications and a list of Pending Subsequent Programs in the ETPL Local Area Approval Menu in OKJobMatch. These lists should be used for outreach to providers in each local area to ensure program performance data is submitted and updated in a timely manner. The state's ETPL Administrator will also monitor the list of Eligibility Expiration Notification recipients to assist the ETPL Coordinators with timely outreach.

Performance Standards

Approved providers, with the exception of RAPs, are required to submit performance reports after the 12 month initial eligibility and every 24 months for continued eligibility. The data must be student-level data, separated by training program and will apply to both WIOA and non-WIOA student populations:

- Employment Rate (2nd Quarter) - the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- Employment Rate (4th Quarter) - the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
- Median Earnings - the median earnings of program participants who are in unsubsidized employment during the second quarter after exit; and
- Credential Attainment - the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation or within one (1) year after exit from the program.

Oklahoma has established benchmarks for program-specific data for both initial and continued eligibility determinations. At least one of the following minimum standards must be met:

1. Program Completion Rate - 70% of the participants entering a program must complete the program.
2. Credential Attainment Rate - 60% of total participants completing a program offering a recognized postsecondary credential must earn the credential.

Performance data must be updated and in the correct format prior to approval for continued eligibility. LWDB's are strongly encouraged to take into the account the intent of multiple programs of study for a variety of occupations on the ETPL. It is the responsibility of ETPL Coordinators to ensure that providers are fully versed on and understand the performance standards and requirements for eligibility.

Modification of Approved Programs

ETPL providers must keep information current in OKJobMatch to continue to receive training referrals. Failure to report changes to the program information promptly may result in the removal of the program from the ETPL. Changes required to be reported include:

- The state must be notified in writing of a change in price along with the reason for the change.
- Notice of a change in ownership or form of control, which may include, but is not limited to: the sale of the institution, the merger of two or more institutions, the division of one institution into two or more institutions, or a conversion of the institution from a for-profit institution to a non-profit or a non-profit institution to a for-profit;
- Notice of offering a program at a new location;

- Notice of deleting or suspending a program. The institution shall also detail its teach-out plan or how the students will be advised regarding other options;
- Notice of an action or review by the institution's accrediting body concerning the institution's accreditation/authorization status, such as loss of accreditation or any sanction relative to the institution's accreditation.

Additionally, all training organizations should provide notice to the ETPL Coordinator of a change in the manager of the provider's account in OKJobMatch.

Denial of an Application and Removal of a Program

The distinction between the denial of an application and the removal of a provider and/or program is critical for local coordination and state administration of the ETPL.

Denial of an initial application means the program cannot reapply for a period of six (6) months and may occur for the following reasons:

- The applicant fails to provide a complete application, including a signed assurances form;
- The applicant intentionally supplied inaccurate information;
- Instances of suspected or actual fraud

Additionally:

- SWB must deny eligibility if an applicant fails to meet the minimum criteria for eligibility as specified in this policy;
- SWB, in coordination with OOWD, must deny eligibility if an applicant fails to meet the minimum criteria for eligibility as specified in local policy.

Removal of a program means the provider may reapply for approval of said program as soon as the identified violations or issues are rectified. SWB, in coordination with OOWD, may remove a previously approved program or programs for the following reasons:

- Failure of the provider to supply required data, or intentionally supplying inaccurate information.
- SWB, in consultation, with OOWD shall remove a program (or programs) from the ETPL if the provider fails to supply SWB with available participant data required for the performance review within due dates established by SWB.
- Unwillingness to supply required and available participant data. SWB should notify the provider, in writing, that their training program(s) will be removed from the state ETPL. Removals for this reason are not subject to formal appeal.
- SWB, in consultation, with OOWD must remove a program if it is determined that the applicant intentionally supplied inaccurate information and shall deny ETPL eligibility to a provider who has substantially violated any WIOA requirements. SWB should notify the provider, in writing, that their program(s) have been removed from the ETPL. Removal for this reason is not subject to formal appeal.
- SWB shall remove a program of study (or programs) from the ETPL if the provider is unwilling to provide program costs, and performance information about student completion rates, employment rates and earnings for publication on OKJobMatch. SWB should notify the provider, in writing, that their training

program(s) have been removed from the state ETPL. Removal for this reason is not subject to formal appeal.

- SWB shall remove a program of study (or programs) from the ETPL if the provider is operating in violation of state laws and regulations. SWB should notify the provider, in writing, that their training program(s) have been removed from the state ETPL. Removal for this reason is not subject to appeal.
- If state and local required performance levels are not met, the program shall be removed.

Removal of a Provider from Oklahoma's ETPL

Providers on the ETPL who are determined to have intentionally supplied inaccurate information or to have substantially violated any provision of this policy and/or WIOA and associated regulations must be removed from the ETPL. A provider whose eligibility is terminated under these conditions must be terminated for a minimum of two (2) years and is liable to repay all training funds (adult, dislocated worker, and youth) received during the period of noncompliance. The repayment of funds will follow SWB policies and procedures. The intentional provision of inaccurate information includes, but is not limited to:

- False claims about business partnerships;
- The provision of false information concerning the authorization or ability provide a program beyond secondary education;
- The provision of false information concerning licensure, registration, or accreditation to operate in Oklahoma;
- Charging a higher rate of training costs for WIOA participants than for self-pay individuals or those whose training is paid by other payment methods; or
- Misleading or false information regarding the training provider's ability to financially operate and sustain the training programs offered.

Additionally, a training provider will be removed from the ETPL for the following:

- The training organization has been debarred from business with the Federal government;
- Lost accreditation or license to provide training;
- Reports/complaints about violations of the nondiscrimination and equal opportunity provisions agreed to in the initial ETP application;

SWB Notification to Denied or Removed Providers

If SWB removes or denies either a provider from the ETPL, SWB will, within 30 days of the decision, inform the provider in writing and include the reason(s) for the denial as well as information on the state's appeal process.

If OOWD denies a provider's program after a recommendation for approval from the local area, OOWD must, within 30 days of the decision, inform SWB of the denial and the reason(s) for the denial. SWB will in turn inform the provider in writing and include the reason(s) for the denial as well as information on the state's appeal process.

At the point when SWB determines that a program will be removed from the ETPL due to not meeting minimum performance standards, SWB shall inform the provider and detail the reason(s) for the removal as well as information on the appeals process, if applicable, prior to the denial to confirm that the provider understands the performance requirements. SWB must send a copy of this notice to the OOWD.

Programs deemed ineligible will remain on the program for at least 30 calendar days before they are removed, if subject to a formal appeal. If a training provider chooses to appeal, a training program that is subject to removal shall remain on the ETPL until the appeal is concluded.

Complaints Against Providers

SWB will develop a process for tracking participant complaints related to ETPL training providers. At the discretion of the local board, these records can be used in determining continued eligibility. All complaints related to the ETP must be forwarded to OOWD.

Appeals Process

Providers may choose to appeal the rejection of their program for inclusion on the ETPL, or its termination of eligibility. The appeal must be submitted in writing via email to workforce@okcommerce.gov within 14 days after notification of the decision. The appeal must include the justification for the appeal in the request. The provider also has the right to request a hearing to discuss their appeal. If a hearing is requested, an appeals committee will be convened consisting of OOWD leadership, the state's ETPL Administrator, and the LWDB Director. A decision will be made within 60 days of appeal. This will be a final decision and, if the removal is upheld, the program will be prohibited from reapplying for one (1) year from the date of the final decision or for two (2) years if the removal was for the submittal of false information.

Registered Apprenticeship Programs

RAPs are automatically eligible to be included on the ETPL and are exempt from state and local eligibility requirements. Due to the rigorous assessment RAPs have passed as part of the registration process with the U.S. Department of Labor's Office of Apprenticeship (DOLETA/OA), additional information and performance requirements may not be required or requested of RAPs. If openings for new apprenticeships exist in the local area, the RA sponsor's programs will automatically be considered in-demand training, and will be included and maintained on the ETPL as a statewide in-demand occupation for as long as the openings remain unfilled.

The state will reach out to new apprenticeship programs to inform them of their automatic eligibility on the state's ETPL. RAPs that opt for inclusion on the ETPL may request the state's ETPL Administrator add them to the ETPL with the provision of only the following basic information:

- Occupations included within the RAP;
- The name and address of the RAP sponsor;

- The name and address of the Related Technical Instruction (RTI) provider(s), and the location(s) of instruction if different from the program sponsor's address;
- The method and length of instruction;
- The number of active apprentices;
- The appropriate NAICS and SOC codes, as currently required by the ETPL information system.

RAPs will remain on the ETPL until:

- The RAP notifies the OOWD that it no longer wants to be included on the ETPL;
- The program is removed from the DOLETA/OA registered apprenticeship list;
- The program is determined to have intentionally supplied inaccurate information; or
- A determination is made that the RAP substantially violated any provision of WIOA Title I or associated regulations including 29 CFR Part 38

Training Exempt from ETPL Application Requirements

Select training services are not suitable for the ETPL but may be provided using a contract between the provider and the LWDB provided the training services are chosen in a manner that emphasizes informed customer choice, performance accountability, and continuous improvement. For these select training services, participants can receive training from a program that is not on the ETPL. Training services that are exempt from the ETPL eligibility requirements include:

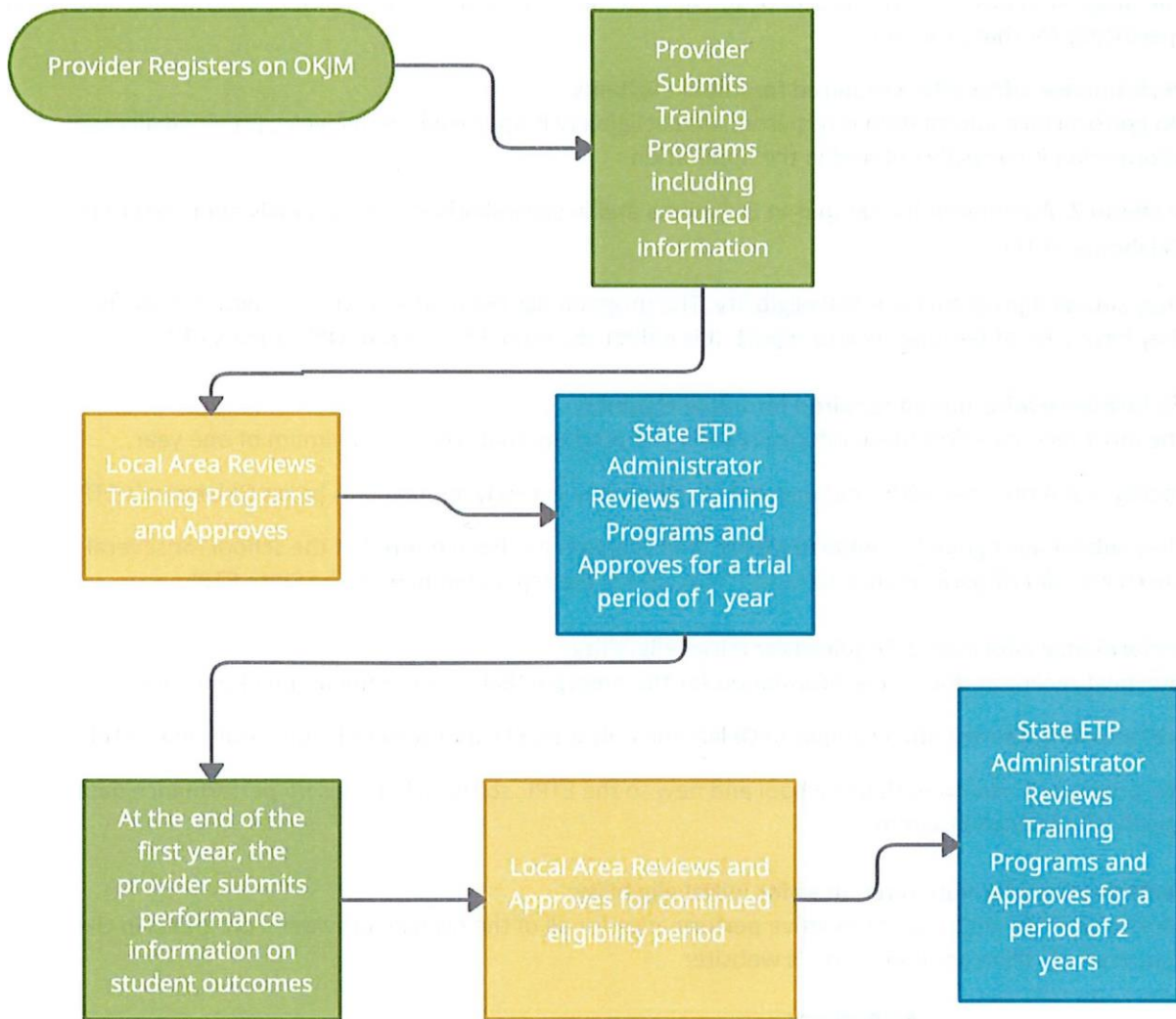
1. Work-based training, including on-the-job training, customized training, incumbent worker training, and transitional jobs, or;
2. Training provided under the circumstances described at WIOA Section 134(c)(3)(G)(ii) and 20 CFR 680.320, where the LWDB determines that:
 - a. There is an insufficient number of ETPs in the local area to accomplish the purposes of a system of ITAs;
 - b. There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to service individuals with barriers to employment;
 - c. It would be most appropriate to award a contract to an institution of higher education or other provider of training services to facilitate the training of multiple individuals in one or more in-demand occupation or target industry sector, and such contract does not limit customer choice; or
 - d. When the LWDB provides training services through a pay-for-performance contract

Out of State Training Providers

A WIOA participant in Oklahoma may choose a training provider located outside the geography of the local area, and/or, with the approval of OOWD, outside the state. The provider selected by the WIOA participant must be in an adjoining state and must be included on the respective

State's ETPL. Oklahoma will enter into an agreement with each out-of-state training provider for payment purposes but will not pay out of state tuition rates and fees. Out of State training providers must register in OKJobMatch and meet the same information requirements for initial and continued eligibility specified in this guide.

ATTACHMENT II
Training Program Approval Workflow



ATTACHMENT III

Training Program Initial Eligibility Performance Requirement Scenarios

Scenario 1: A school with a campus in Oklahoma and in several other states is newly approved to be on Oklahoma's ETPL and submits a program for initial eligibility.

The program is new to both the school and new to the ETPL, so the school has no performance data to report specifically for that program.

Performance information required for initial eligibility:

No performance information is required; initial eligibility is approved for one year, provided all other information is correctly entered in the application.

Scenario 2: A school with a campus in Oklahoma and in several other states is newly approved to be on Oklahoma's ETPL.

They submit a program for initial eligibility. The program has been offered at the school for several years, so they have a lot of performance to report. It is old for the school but new to Oklahoma's ETPL.

Performance information required for initial eligibility:

The most recent performance information for the program that covers a minimum of one year.

Scenario 3: A provider with a campus only in Oklahoma is newly approved to be on Oklahoma's ETPL.

They submit a program for initial eligibility. The program has been offered at the school for several years, so they have a lot of performance to report. It is old for the school but new to the State ETPL.

Performance information required for initial eligibility:

The most recent performance information for the program that covers a minimum of one year.

Scenario 4: A trainer with a campus in Oklahoma only is newly approved to be on Oklahoma's ETPL.

The program is new to both the school and new to the ETPL, so the school has no performance data to report specifically for that program.

Performance information required for initial eligibility:

Information related to the cumulative performance for all of the training provider's programs in Oklahoma. This is an example from another school's website:

Our Numbers

91%
Capacity

94%
Attendance Rate

88%
Completion/Retention

87%
Positive
Placement

4,098
BIS/ACD
Enrollments

Scenario 5: A school from Texas with no physical presence in Oklahoma wants to offer an online training program to WIOA customers.

They submit a program for initial approval. The program has been offered at the online trainer for several years, so they have a lot of performance to report. It is old for the school but new to Oklahoma's ETPL.

Performance information required for initial eligibility:

To approve the training provider: Performance information related to the cumulative performance for all of the training provider's programs for a minimum of one year.

To approve the program: Performance information related to the specific online course, reported as an aggregate number for the online course in all states.

Scenario 6: A school from Georgia with no physical presence in Oklahoma wants to offer an online training program to WIOA customers.

They submit an online program for initial eligibility. The program has never been offered by the trainer so they have no performance to report. It is new to both the school and Oklahoma's ETPL.

Performance information required for initial eligibility:

To approve the training provider: Performance information related to the cumulative performance for all of the training provider's programs for a minimum of one year.

To approve the program: No performance information is required and initial eligibility is approved for one year, provided all other information is correctly entered in the application.

Training Provider Licensing Requirements: Other considerations should include the training provider licensing requirements found in OWDI 03-2020.