Policy Number: WIOA I-B – 4.5, Change 3 Effective Date: September 29, 2023

Arkansas Division of Workforce Services
Eligible Training Provider Policy

PURPOSE:
This policy Change, provides clarification on the procedure guidance on the removal and appeal of programs along with continued WIOA funding to participants, and licensing requirements of the programs as WIOA Title I Eligible Training Providers List (ETPL).

REFERENCES:
WIOA, Section 122
TEGLs No. 8-19 and 8-19, Change 1
TEGL No. 13-16
20 CFR 680.410, 430, 510, 470, & 480
WIOA Section 122 (b)(1)
WIOA Section 122 (d)(1)
WIOA Section 3(24)
WIOA Section 133
WIOA Section 134 (c)(E)
A.C.A. 6-61-301
A.C.A. 6-51-601 – 6-51-623

BACKGROUND:

WIOA Section 122 requires states to establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State. **[TEGL 8-19]**

The Arkansas Division of Workforce Services (ADWS) is the entity responsible for publishing and maintaining the comprehensive Arkansas Eligible Training Provider List (ETPL) with performance and cost information. In alignment with WIOA, publishing the ETPL by ADWS promotes customer choice and enables job seekers to compare offerings on the ETPL and select the most appropriate training program with the assistance of Arkansas Workforce Center Staff.

Unlike other training programs that must apply for eligible training provider status and placement on the statewide ETPL, National Program Registered Apprenticeship programs (RAPs) and other RAPs are automatically eligible for placement if they "opt in" for such placement, consistent with the WIOA regulations and federal policy. There are other distinctions and exceptions that apply uniquely to RAPs.

POLICY:

The ADWS as the Governor's Administrative Entity, after consultation with the Arkansas Workforce Development Board, must establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under WIOA section 133 (b) for the provision of training services throughout local areas in the State

An eligible training provider is the only type of entity that receives funding for occupational skills training as defined in 20 CFR 681.540. The funding is in the form of an individual training account (ITA) [20 CFR 680.410]. A training provider that is not on the Arkansas ETPL cannot receive WIOA funds for training services. (Some training interventions, including on-the-job training and customized training, are supported via contract, not an ITA, as noted below.)

In accordance with 20 CFR 680.410, an ETP must be included on the Arkansas ETPL, must provide a program of training services, and must be one of the following types of entities:

A. An institution of higher education that provides a program that leads to a recognized postsecondary credential;
B. Entities that carry out programs registered under the National Apprenticeship Act; or
C. Other public or private providers of training services that may include:
    a. Community-based organizations;
    b. Joint labor-management organizations; and
    c. Eligible providers of adult education and literacy activities under Title II of WIOA if the activities are provided in combination with training services.

Arkansas' list of eligible training providers, training provider programs, and accompanying information must be made available in a manner that does not reveal personally identifiable information about an individual participant [20 CFR 680.500]. ADWS does not share or sell information from the WIOA and non-WIOA participants.

With the exception of Registered Apprenticeship Programs (RAPs), Arkansas state colleges and universities, and other training providers listed in A.C.A. 6-51-603, training providers in Arkansas must be licensed by the State Board of Private Career Education in order to operate in Arkansas [A.C.A.6-51-605] and to be placed on the ETPL. It is the responsibility of the Board of Private Career Education to protect the Arkansas individuals from unethical private career schools as described in A.C.A. 6-61-601 – 623. Therefore, before training providers from other states may be placed on the ETPL, they must be approved by the State Board of Private Career Education if they would qualify for licensing by this Board if they were located in Arkansas [A.C.A. 6-61-301(a)(1)(B)].

Programs of study offered by Arkansas state-supported institutions must be approved by the Arkansas Higher Education Coordinating Board before offering courses that lead to a degree, certificate of proficiency, or technical certificate [A.C.A. 6-61-301(a)(2)]. More information concerning degree and certificate requirements may be obtained by the individual state-supported institutions or the Arkansas Division of Higher Education.

A postsecondary education institution in another state may be required to obtain certification from the Arkansas Higher Education Coordinating Board before offering a course or degree in this state (either physically or online to Arkansans) unless the institution is a school that is exempted under A.C.A. 6-51-603 or a school regulated by the Cosmetology Technical Advisory Committee, or a school regulated by the State Board of Private Career Education [A.C.A. 6-61-301(a)(1)(B)]. Local areas and or ADWS must contact the Arkansas Division of Workforce Services before placing an out-of-state postsecondary education institution on the ETPL.

Except in specific circumstances listed in WIOA § 122(h), WIOA § 134(c)(3)(G)(ii), 20 CFR 680.320, TEGL 19-16, and TEGL 8-19, Occupational Skills Training is provided for WIOA title I Adults, Dislocated Workers, and Out-of-School Youth through an individual training account (ITA) that is used to purchase training from an Eligible Training

Provider [WIOA § 134(c)(3)(G)(a); TEGL 19-16; TEGL 3-18; TEGL 8-19]. Eligible training providers (ETPs) must be certified by the State and local areas before they may receive funding through ITAs. Only ITAs require the use of an eligible training provider. Other training services required by contracts are not required to be certified as an ETP [TEGL 8-19].

An ITA is a payment agreement established by a local workforce development board on behalf of a participant with a training provider on the eligible training provider list (ETPL). An ITA may be used to pay for any allowable type of training, as listed in WIOA Sec. 134(c)(3)(D), 20 CFR 680.200, TEGL 19-16, and TEGL 8-19, as long as the program of study is on the state list of eligible training providers. However, ITAs are usually used for occupational skills training.

Occupational skills training is organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Such training must [20 CFR 681.540]:

1. Be outcome oriented and focused on an occupational goal specified in an ISS or IEP;
2. Be of sufficient duration to impart the skills needed to meet the occupational goal;
3. Lead to the attainment of a recognized postsecondary credential per WIOA Section 3(52);
4. Meet the quality standards in WIOA section 123.

Individual Training Account:

Although WIOA participants can select training from the ETPL, the LWDB policies determine the type and funding amounts for each program. Local WDBs must have the authority to write procedures for making payments, selecting individual training account options such as: vouchers, checkbooks, electronic transfers, setting duration and amounts of individual training accounts and policy regarding exceptions. The authority to restrict the duration of ITAs or to restrict funding amounts should not be used to establish limits that arbitrarily preclude WIOA participants from selecting a training provider of their choice. Local WDBs do not have the authority to modify the regulatory exceptions afforded Registered Apprenticeship programs.

The LWDB **may choose not to fund** specific training programs based on, but not limited to, the following reasons:

- Lack of high occupational demand; or
- High tuition costs compared to similar programs; or
- Lack leading to a self-sufficient wage; or
- Lack leading to a WIOA – defined "recognized post-secondary credential"

It shall be the policy of ADWS that Registered Apprenticeship programs (RAPs) taking applications are to automatically be considered "in-demand" without further due diligence, consistent with the recommendations in **TEGL 8-19, Change 1**.

Licensing:

In-state and out-of-state post-secondary institutions must be authorized by a state governing body—such as the Arkansas Division of Higher Education Commission (ADHE), Arkansas Department of Education (ADE), Arkansas Division of Career and Technical Education (ADE CTE), Arkansas State Board of Private Career Education, Higher Learning Commission (HLC) to operate in the State of Arkansas. This does not apply to RAPs.

Arkansas ETPL Application and Program Instructions:

Prospective Eligible Training Providers must apply for eligibility approval status for their programs electronically using AJL ProviderLink, a web-based training application. To be included on the ETPL, training providers must set up a user account for the ETPL application in AJL ProviderLink for the Local Workforce Development Board (LWDB) for the area where they wish to provide training services. The instructions to set up the user account for the AJL ProviderLink ETPL Application are included with this link, ***Arkansas ETPL Application and Program Instructions***

The user account is designed to enable prospective providers to simultaneously apply for program approval for the WIOA Title I Individual Training Accounts (ITAs).

Notwithstanding RAPs, being placed on the State ETPL is contingent upon the approval of a training institution's electronic application and at least one postsecondary occupational program.

Eligibility status for a training institution is one year from the date of approval by the State; however, provider and program approvals will end on a program year basis annually by July 1st thru June 30th. After the initial and first renewal or subsequent program performance reporting data is approved in AJL ProviderLink, eligibility status for a training institution can be approved for one year from the date of renewal or subsequent performance by the State.

An entity that carries out programs under the National Apprenticeship Act will be included and maintained on the ETPL for so long as their program remains registered or unless a substantial violation has occurred as described later. ADWS is responsible for advising current RAP sponsors of their automatic eligibility for the statewide ETPL and the advantages of doing so. ADWS is also responsible for establishing a mechanism to advise newly registered programs of their automatic eligibility in agreement with the State Director of the Office of Apprenticeship. The Office of Apprenticeship will verify the registration status of programs at least every two years consistent with TEGL 8-19, and ADWS will ensure new RAPs are added to the statewide ETPL at least every six months.

Demand Occupations and Projected Employment Opportunities:

Local WDBs may approve a training provider program if there is a demand for an occupation. Local WDBs are responsible for giving training institutions information on occupations in-demand and sectors of the economy that have a high potential for sustained demand or growth within the labor market area. Using labor market information, a local WDB is responsible for determining occupational demand in its local area or in another local area to which a youth, adult or dislocated worker is likely to be willing to relocate. There is an exception, however, for Registered Apprenticeship programs (RAPs), which are automatically to be considered "in demand" if the program is taking applications.

Notwithstanding RAPs, local WDBs should instruct providers wishing to explore occupations in-demand in the Arkansas economy to view labor market data found on the Discover Arkansas Labor Market Information Section, *Projected Employment Opportunities List,* for the State or local area. An occupation is considered an in-demand or employment opportunity for a local area if it appears on the ***Projected Employment Opportunities List (arkansas.gov)*** for the State or local area. Occupations on an adjacent local area's list, including local areas in other states, may also be considered employment opportunities in the local area. If a local area would like to train in an occupation that is not on their local area's Projected Employment Opportunities List, but is on the list of an adjacent area, they should contact the Division of Workforce Services with the information located in the Labor Market Information section, ***"Adding to the List",*** of the occupation within the Discover Arkansas Labor Market Information Section web site. For local areas in other states, the LWDB must provide the adjacent area's projected employment opportunities list, along with the adjacent state's contact information and occupations to be trained in before the occupations can be added.

Transferring WIOA Participants:

Local WDBs will determine the feasibility of transferring WIOA participants to another eligible training provider with the same or similar program, when an eligible training provider is removed from the ETPL.

Primary factors to consider in transferring participants are the length of time remaining to complete the training program, necessity and reasonability of allowing participants to continue with a training provider removed from the State ETPL. WIOA participants enrolled with an eligible training provider removed from the ETPL may complete the program for the duration of an ITA. Local WDBs are encouraged to minimize disruption to WIOA participants, to the extent as possible.

Procedures:

To be included on the Eligible Training Provider List (ETPL), providers must submit an electronic application for each training program they wish to be included. Each occupation associated with the training program must be on the current Projected Employment Opportunities List (add link).

Generally, providers must submit the electronic application to the Local Workforce Development Board (LWDB) for the area where they wish to provide training services. However, if a training program operates in more than one local area or statewide, only one application is necessary. Also, consistent with Attachment I of TEGL 8-19, "although local boards may add some of their own restrictions and requirements in defining the list of ETPs for their local area, they may include only training providers on their list that are approved for the state ETPL." In this way, any local list must be a subset of the statewide list. With the exception of Registered Apprenticeship programs (RAPs), if a local area does not add restrictions and requirements, its local ETPL will include all ETPs on the statewide ETPL, while a local area that adds eligibility restrictions may have a subset of the state ETPL.

An entity that carries out programs under the National Apprenticeship Act will be included and maintained on the ETPL for so long as their program remains registered. These programs are placed on the statewide ETPL with the provision of minimal information as follows:

1. Occupations included in the RAPs;
2. The name and address of the RAP sponsor;
3. The name and address of the Related Instruction provider(s) and the location(s) of instruction if different from the program sponsor's address. (Note: If the provider of Related Instruction is different from the program sponsor, cost of the instruction may be requested; this is the only time that cost pertaining to a RAP may be requested.)
4. The method and length of instruction; and
5. The number of active apprentices.

Required Information for Initial Eligibility [TEGL 8-19] (not including RAPs)**:**

The information to be included on the initial application is described below.

1. A description of each training program to be offered, including the costs of tuition, books, and fees.
2. The State's completion rate factor must be related to WIOA performance indicators.

To calculate: The number of all participants who completed the program during the reporting period divided by the total number of all participants who participated in the program.

3. If the training provider is in a partnership with business/industry and an explanation of the partnership.
4. If the training program leads to a recognized postsecondary credential and a description of the credential.
5. If the program aligns with in-demand industry sectors and occupations.

The Initial Eligibility Certification Process:

1. Providers eligible to apply under this section will complete an online electronic application for "initial certification" through the automated Arkansas ETPL Application and Program Instructions located at ***https://www.arjoblink.arkansas.gov/training***. Providers must apply for each individual program.
2. The LWDBs will receive the application via AJL ProviderLink if (1) The program's CIP Code appears on the current *Projected Employment Opportunities List* for the State or Local Workforce Development Area, and (2) Required items are completed and meet minimum qualifications.
3. The LWDB will electronically approve or disapprove each application received via AJL ProviderLink. The LWDB is responsible for ensuring that the provider's performance information meets or exceeds the State minimum levels.
4. Upon approval by the LWDB, the provider will be automatically placed on the AJL ProviderLink website as a WIOA Eligible Training Provider for the applicable program.

If the training provider does not have performance data because the training program is a new program, then the provider must submit the following information to the LWDB of application to include:

1. Written justification for the missing data, and
2. The process that will be used to track and record the required information for re-certification.

The Continued Eligibility Certification Process (does not apply to RAPs):

1. Providers eligible to apply under this section will complete an online electronic application for "continued certification" through the automated AJL ProviderLink ETPL Application and Program Instructions is located at ***https://www.arjoblink.arkansas.gov/training***. Providers must apply for each individual program.
2. The LWDBs will receive the application via AJL ProviderLink if (1) The program's CIP Code appears on the current Projected Employment Opportunities List for the State or Local Workforce Development Area, and (2) Required items are completed and meet minimum qualifications.
3. The LWDB will electronically approve or disapprove each application received via AJL ProviderLink. The LWDB is responsible for ensuring that the provider's performance information meets or exceeds the State minimum levels.
4. Upon approval by the LWDB, the provider will be automatically placed on the AJL ProviderLink website as a WIOA Eligible Training Provider for the applicable program.

Continued Eligibility [TEGL 8-19]:

The information to be included on the continued application is described below.

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program
2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
4. The percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program
5. Information on cost of attendance, including cost of tuition and fees, for program participants
6. Information on the program completion rate for program participants
7. A description of how the provider provides access to training services, including to rural areas, including the use of technology
8. A description of the degree to which training program(s) align with in-demand industries and occupations in the State, as identified in State and Local Plans
9. Any applicable state licensure requirements of training providers and licensing status of providers of training is applicable
10. A description of training provider's ability to offer industry-recognized certificates and/or credentials
11. A description of training provider's ability to offer programs that lead to a recognized post-secondary credentials
12. A description of the quality of the program of training services including a program that leads to a recognized post-secondary credential
13. A description of the ability of the providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities
14. The timeliness and accuracy of the eligible training provider's performance reports
15. Relevant information reported to State agencies on Federal and State training programs other than programs within WIOA Title I-B.

The ADWS will not limit customer choice nor decrease the number of available training providers. We will prioritize certain individual criteria elements listed above during our evaluation for continued eligibility. Our primary focus will be placed upon the WIOA performance criteria, Numbers 1-4; followed by criteria Numbers 5-8. The remaining criteria elements will be given no special emphasis.

WIOA Participant Exit:

As defined for the purpose of performance calculations, exit is the point after which a participant who has received services through any program meets the following criteria:

1. For the adult, dislocated worker, and youth programs authorized under WIOA title I, the Adult Education and Family Literacy Act program authorized under WIOA title II, and the Employment Service Program authorized under Wagner-Peyser Act, as amended by WIOA title III, exit date is the last day of service.

2. The last day of service cannot be determined until at least 90 days has lapsed since participant last received services; services do not include self-services, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

For consideration of renewal of programs, with the exception of RAPs, an eligible training provider must add continued program performance data in AJL ProviderLink annually for the current PY ending June 30th, and this will avoid any interruption of eligibility. The instructions to add the performance data is included in the following link, ***Arkansas ETPL Application and Program Instructions*.**

Performance data must be added by the end of each program year between July 1st and August 15th. The continued eligibility review conducted is required for both the program and the eligible training provider as an institution.

The training provider and program approval date(s) will be extended for an additional year if the training providers meets the fiscal, programmatic integrity and performance standards. The State will not update any program approval for continued eligibility that does not meet the eligibility criteria.

Upon completion of the review of continued eligibility criteria, the training provider will be made aware of any programs for denial or removal via email correspondence or a notification from the AJL ProviderLink system along with the appeal process.

The State may consider a 30-day extension for a provider who has extenuating circumstances if performance cannot be entered prior to a program's renewal or expiration date.

Performance:

LWDBs have the authority to increase the levels of performance required by the State and require additional verifiable program-specific information from training providers for initial eligibility. (This does not pertain to RAPs.) The Arkansas Division of Workforce Services/Employment Assistance (EA) Section must be notified if these levels of performance are increased.

To facilitate the public and stakeholder access to such information, training provider outcomes information will also be published on ***https://www.trainingproviderresults.gov/*.**

Performance Data Requirements for ETP Annual Reporting (Excluding Registered Apprenticeship programs):

- ETPs must submit accurate and timely information for participants receiving training under WIOA Title I–B.
- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data, **including participant social security numbers**, available to validate the information submitted for reporting,
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The performance data is due in AJL ProviderLink and ADWS between July 1 through August 31 of every year.

State Minimum Performance Standards for Training Providers

Performance Measure	Calculation	State Minimum Level
ALL PARTICIPANT PERFORMANCE MEASURES Programs must meet the State minimum level for the performance measure.		
Program Completion Rate	The number of all participants who completed the program during the reporting period divided by the total number of all participants.	19.5 %

Besides the requirements above, the State has established additional minimum performance standards to evaluate the Renewal/Continued Eligibility determination for programs at the end of each program year (July 1- June 30). The State Minimum Performance Standards implemented by State in accordance with the requirements stipulated by Section 116 of the WIOA for eligible training provider programs inclusion to the state's ETPL for all are:

Performance Criteria for <u>All Participants</u> in the Program of Study:

2. Credential Attainment Rate (state minimum performance level: **25%**)
The percentage of those participants enrolled in an education or training program who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

3. Employment Rate 2nd Quarter after Exit (state minimum performance level: **30%**)
The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

4. Employment Rate 4th Quarter after Exit (state minimum performance level: **35%**)
The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.

5. Median Earnings – 2nd Quarter After Exit (state minimum performance level: **$1,900 per quarter**).
The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

Performance Criteria for <u>WIOA Title I-B Participants</u> in the Program of Study:

6. Credential Attainment Rate (state minimum performance level: **25%**)
The percentage of those participants enrolled in an education or training program who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

7. Employment Rate 2nd Quarter after Exit (state minimum performance level: **25**%)
The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.

8. Employment Rate 4th Quarter after Exit (state minimum performance level: **25**%)
The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.

9. Median Earnings – 2nd Quarter After Exit (state minimum performance level: **$2,000 per quarter**)
The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.

Registered Apprenticeship programs [TEGL 8-19]**:**
Registered Apprenticeship programs (RAPs) are automatically eligible to be included on the ETPL as previously stated. They are an exception to the initial and continued eligibility certification process and are exempt from performance and reporting-related requirements. If RAP sponsors are interested in enrolling in a training program for participants possibly being paid through WIOA funding based on a LWDB's policy, they should follow the instructions in this link, ***Registered Apprenticeship - Arkansas ETPL Application and Program Instructions*****.**

Substantial Violation:

Under WIOA, an institution commits a substantial violation when it: (1) fails to meet the state's procedure for timely and accurately submitting required information for annual ETP performance reporting, (2) fails to meet the state's procedure for timely and accurately submitting all required information for initial or continued eligibility, (3) intentionally provides false information, or (4) violates any provision of WIOA Title I or its regulations, including the nondiscrimination and equal opportunity provisions.

The State will consider exceptional circumstances beyond the institution's control (e.g., natural disasters, unexpected personnel transitions, and unexpected technology-related issues) when determining if an institution committed a substantial violation for failing to timely and accurately submit required information. If it is determined that exceptional circumstances existed, then a substantial violation did not occur. If it is determined that an institution committed a substantial violation, the institution is prohibited from having its programs on the published ETPL for a minimum of two years and it is liable to repay any WIOA Youth, Adult, and Dislocated Worker Program funds it received during the period of noncompliance.

Arkansas Division of Workforce Services (ADWS) Responsibilities:

The ADWS is the designated state agency for WIOA administration and is responsible for:

- Ensuring that the information contained on the ETPL is accurate and current.
- Establishing a process for adding programs to the ETPL and verifying their "approved" status.
- Contacting the following entities to advise them of the ETPL process: State Workforce Agencies; State Workforce Administrators, State and Local Workforce Board Chairs and Directors, State Labor Commissioners, State Apprenticeship Agencies, State Director of the Office of Apprenticeship, Disabled Veterans Outreach Program Representatives, and Local Veteran Employment Representatives as advised by [TEGL 8-19]**.**
- Contacting Registered Apprenticeship program (RAP) sponsors based on a mechanism/process developed in concert with the USDOL Office of Apprenticeship to advise them of their automatic eligibility and provide them with an opportunity to allow them to indicate interest or "opt in."
- Maintaining the list of eligible training providers and programs approved by LWDB.
- Providing an updated list to all LWDBs and the public through the State's website.
- Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible (with the exception of RAPs).
- Submitting all reports to the appropriate Federal Agency as required.
- Distributing the ETPL, accompanied by credential, cost and performance information for each ETPL training program throughout Arkansas.

- Allowing training providers to appeal a denial or removal of eligibility, including an opportunity for a hearing at the state level, after a training provider receives an unsatisfactory decision.
- Providing technical assistance to the local areas and the training providers.

Required Local Workforce Development Board (LWDB) Responsibilities:

Local workforce development boards are responsible for carrying out the procedures assigned to them by the State [20 CFR 430 (c)].

Local Boards must:

- Carry out the procedures assigned to the Local workforce development boards by the State, such as determining the initial eligibility of entities providing a program of training services, with the exception of Registered Apprenticeship programs (RAPs), renewing the eligibility of providers and programs, and considering the possible termination of an eligible training provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA requirements;
- Maintain the minimally burdensome process established by the state for RAP sponsors and implement the regulatory exceptions associated with these programs (e.g., no reporting or performance requirements);
- Work with the State to ensure 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 described under WIOA sec. 107(d)(10)(E), serving the local area; and
- Ensure the dissemination and appropriate use of the State list of eligible training providers and programs through the local one-stop delivery system, including formats accessible to individuals with disabilities [20 CFR.430 (c)(3)].
- Collect performance information required by the state and determine if the providers meet the state's performance criteria [20 CFR 680.430 (c)(1)]

Local WDBs cannot use the local list to limit choices for WIOA participants. Local WDBs have the option, by law to establish higher performance levels and make a case for in-demand occupations that may differ from the State's (RAPs excepted). Any local WDBs that have established higher minimum performance standards above the state minimum requirements may remove a program of training services from the eligible programs in the local area for failure to meet the higher performance levels, but only if applied consistently to all approved providers within their local area.

The LWDB is responsible for:

- Reviewing training programs for initial eligibility;
- Ensuring that all participants are enrolled in approved training programs, as identified on the ETPL;
- Collecting performance and cost information and any other required information related to programs from training providers;
- Monitoring training providers for compliance and performance;

- Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meet minimum performance standards; and
- Allowing training providers to appeal a denial or removal of eligibility of programs that includes an opportunity for a hearing at the local level, a timely decision and a right to appeal if the provider is unsatisfied with the LWDB decision.

Each LWDB must develop and maintain procedures to determine the eligibility of a training provider's programs in an objective and consistent manner. Each local WDB must define its own procedures, consistent with the requirements of this policy, for all training providers and programs, with the exception of RAPs. Procedures must clearly describe how reviewer(s) will apply any local policies related to the following factors:

- Quality training programs linked to in-demand occupations as determined by the local WDB.
- Performance and cost information, including program-specific performance and cost information of the local outlet(s) of multi-site eligible training providers.
- Information indicating how programs are responsive to local requirements.
- Other appropriate information related to the objectives of WIOA.

Denial, Removal, and/or Appeal of Training Providers and/or Programs:

A training provider must meet the requirements for eligibility and provide accurate information in order to retain its status as an eligible training provider. Only the Governor's Administrative Entity can remove eligible training providers and programs from the ETPL after appropriate due process.

Local WDBs may take steps to request removal of eligible training providers and/or programs from the ETPL in consultation with the ADWS ETP Coordinator. The State can deny and/or remove a program, an eligible training provider, or both when the individual:

Denial of a Program/Provider (may reapply for approval after 6 months):

- Fails to meet the minimum criteria for initial eligibility as specified above;
- Fails to complete the initial eligibility application in AJL ProviderLink;
- Failure to have a license to operate by a private career school as required in the state of Arkansas;
- Fails to add the subsequent eligibility performance reporting ending dates and performance data in AJL ProviderLink as required;
- Program renewal expired past the renewal date and/or
- Program not approved by the local board.

Removal of a Program/Provider (may reapply for approval after 1 year):

- Fails to supply available participant data required for the performance review within due dates established and unwilling to supply required and available participant data by the ADWS staff;
- Violates state and/or local laws;
- State or local required performance levels are not met;
- Loses its educational license or accreditation;
- Fails to notify any program changes including, but not limited to, costs or location of training;
- Ceases to be in business and/or lost its license to operate;
- Fails to meet criteria or minimum performance levels as part of the annual or biennial review of initial or continued eligibility;

- Does not meet the requirements of a reciprocal agreement.

Removal of a Provider (may reapply for approval after 2 years):

- Substantially violates any provision of Title I of WIOA and its regulations including 29 CFR Part 38, the nondiscrimination and equal opportunity provisions, and
- Intentionally supplies inaccurate data.

NOTE: Eligible participants who were already approved prior to these denied or removed programs can continue their training with WIOA funding if available. This will ensure those participants are not created a hardship to continue their training through no fault of their own.

Appeal of Training Providers and Programs:

If a provider of training services has its eligibility denied or removed due to substantial violations, failure to provide requested performance information without reasonable justification, or otherwise are removed for good cause based on the items listed above, the training provider will be notified that their training program is being removed from the State's training provider list. This information regarding the decision will be submitted to the
contact person listed on the training provider's account.

The training provider may appeal the denial or termination within ten (10) calendar days from the date of receipt of notice of termination by submitting an appeal request to the following email address: ADWS.WIOAAppeals@arkansas.gov.

The State will review the appeal, provide opportunity for a hearing, and issue a written decision/response within (30) calendar days of the receipt of the appeal. The State's Director will appoint a hearing officer to review the appeal.

The ADWS ETP Coordinator or designee shall remove a provider and/or program that was determined to be no longer eligible no earlier than the 31st calendar day from the issuance of the removal notice. However, if a training provider initially chooses to appeal, a training provider and/or program that is subject to removal shall remain on the state ETPL until the appeal is concluded.

After official removal of a training provider and/or program from the ETPL, local WDBs **cannot fund WIOA participants enrolled in the removed training provider and/or its programs**.

Per WIOA Section 122, a training provider removed from the ETPL for failure to meet performance or is in violation of the WIOA regulations, cannot apply for eligibility for one year or two years as noted above after the official removal date. Training providers may appeal a removal decision under the appeal process.

Monitoring:

The ADWS will monitor the LWDBs for ETPL compliance during annual monitoring visits or desk reviews. The ADWS Monitors for the local area will randomly select WIOA participant files and validate that the data has been uploaded into the system correctly, ensuring that the annual report is accurate.

Reciprocal Agreement:

States may enter into agreements, on a reciprocal basis, with other states to permit eligible providers of training services to accept individual training accounts from providers in another state. **[**WIOA §122 (g)] Under the current policy, training providers must have a physical and permanent Arkansas mailing address. Arkansas currently has

reciprocal agreements with the state of Missouri. These agreements allow Arkansas participants to use ETPs if that training provider appears on the other State's ETPL. Similarly, WIOA participants in the reciprocal states can utilize programs that are on Arkansas' ETPL.

If an out-of-state provider is applying for an online program, the training provider must contact the Arkansas Division of Higher Education (ADHE) to ensure that the provider may legally provide online training programs in Arkansas.

The private career education/schools and out-of-state online providers must be licensed by ADHE and must submit their license from ADHE by uploading it as a Supplementary Document in the AJL ProviderLink system, **before** the program can be approved by the local area and State in the AJL ProviderLink system with inclusion on the ETPL.

The licensing for the private career education and online providers can contact the ADHE as follows:

Arkansas State Board of Private Career Education
101 E. Capitol Ave., Suite 300
Little Rock, AR 72201
Phone: 501-371-2000
Email: dhe.private.careered@adhe.edu
Email: Alana.boles@adhe.edu
List of Approved Providers and Programs: *Arkansas Department of Higher Education - Resources - Private Career Education (adhe.edu)* – *School Directory*

Only providers located in states bordering the state of Arkansas, approved Apprenticeship Sponsors, and licensed private career education and online providers with approved programs by ADHE are eligible for inclusion on the Arkansas ETPL.

Contact:

For any questions related to this policy, please contact the ADWS Employment Assistance Unit at **WIOATA@arkansas.gov.**