

Eligible Training Provider (ETP) List Requirements and Responsibilities

Table 1

Required State Responsibilities		20 CFR Citation
I	The designated state entity must develop and maintain the ETP list (providers and their programs of study).	680.430(b)
	1 The state eligible training provider list must be accompanied by appropriate information to assist participants in choosing employment and training activities. Such information must include the following, disaggregated by local areas served, as applicable:	680.430(b) 680.500(d)(1-4)
	a Recognized post-secondary credential(s) offered;	680.490(b)(2) 680.500(d)(1)
	b Provider information supplied to meet the state's eligibility procedure;	680.500(d)(2)
	c Performance and cost information; and,	680.490(b) 680.500(d)(3)
	d Additional information as the state determines appropriate, such as the number of units (for example, credits, hours or semesters) needed to earn the credentials offered.	680.500(d)(4)
	2 The state eligible training provider list must be accompanied by relevant performance and cost information.	680.430(b)(5) 680.500
	3 The state eligible training provider list must be widely available to the public (including all local boards) through electronic means, including websites and searchable databases, as well as any other means states use to disseminate information to consumers, and easily understood.	680.400(b) 680.430(b)(5) 680.500(c)
	a The designated state entity must disseminate the list to the local boards, the one-stop system, its partner programs, the public, and the state's secondary and postsecondary education system.	680.500
	b The state eligible training provider list must be accessible to individuals with disabilities, individuals seeking information on training outcomes, and individuals participating in employment and training programs funded under WIOA.	680.500(c)

Required State Responsibilities (cont.)				20 CFR Citation
		c	The State eligible training provider list must not reveal personally identifiable information about individual participants.	680.500(e)
II	The state must establish a minimally burdensome mechanism for adding Registered Apprenticeship programs (RAPs) to the list and verifying registration status at least every two years.			680.470(a) 680.460(j)
III	The governor must work with the state board to develop procedures, information requirements, and criteria for determining eligibility (including clarifying state and local board responsibilities).			680.430
	1	Initial eligibility requirements must:		680.450
		a	Include required initial eligibility components listed on Eligibility Policy Checklist (see Attachment III);	680.450(e)
		b	Require providers seeking initial eligibility to provide verifiable program specific performance information;	680.450(e)
		c	Require providers to submit required information for the programs to be considered for initial eligibility in accordance with the state's procedure; and,	680.450(a)
		d	Only permit initial eligibility to last for one year for each program of study.	680.450(g)
		e	<i>Exempt from eligibility determinations:</i> RAPs.	680.450(b)
			i	If a RAP expresses interest in being on the state eligible training provider list, the state must request the RAPs provide the following information to the state:
			(1)	Occupations included within the RAP;
			(2)	The name and address of the RAP sponsor;
			(3)	The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;

Required State Responsibilities (cont.)					20 CFR Citation
			(4)	The method and length of instruction; and,	
			(5)	The number of active apprentices.	
	2	Continued eligibility requirements must:			680.460
		a	Establish an application procedure for training providers to maintain their eligibility and the eligibility of their programs;		680.460(a)
		b	Establish a procedure that ensures that all providers are subject to review and renewal of their eligibility within a year of their initial eligibility determination and at least every two years thereafter, which can establish minimum standards;		680.450(g) 680.460(i)
		c	Describe the application procedure for continued eligibility in the State Plan, and outline the roles of the state and local areas in receiving and reviewing provider applications, and in making eligibility determinations;		680.460(d-e)
		d	Include the continued eligibility components listed on Eligibility Policy Checklist (see Attachment III); and		680.460(f)(1-10)
		e	Take into account whether the provider accurately and timely submitted all of the information required for completion of eligible training provider performance reports (WIOA section 116(d)(4)) and all of the information required for initial and continued eligibility.		680.460(f)(10)
		f	Information requirements for continued eligibility established by the governor must require eligible training providers to submit appropriate, accurate, and timely information for participants receiving training under WIOA title I. That information must include:		680.460(g)
			i	The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;	680.460(g)(1)
			ii	The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;	680.460(g)(2)
			iii	The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;	680.460(g)(3)

Required State Responsibilities (cont.)				20 CFR Citation
		iv	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;	680.460(g)(4)
		v	Information on recognized postsecondary credentials received by program participants;	680.460(g)(5)
		vi	Information on cost of attendance, including costs of tuition and fees, for program participants; and	680.460(g)(6)
		vii	Information on the program completion rate for such participants.	680.460(g)(7)
	3		The policies and procedures must include RAP sponsors requesting ETP list inclusion as long as the program is registered or until the program sponsor notifies the state that it no longer wants to be included on the list, until the program is deregistered, or until they are determined to have intentionally supplied inaccurate information or have substantially violated a provision of Title I of WIOA or its regulations.	680.470(b)
	4		The policies and procedures must not subject RAPs to the same application and performance information requirements or to a period of initial eligibility or continued eligibility procedures.	680.470
	5		The governor and state board must work with the federal Office of Apprenticeship (OA) state director, or if the state oversees the apprenticeship system, with the SAA to develop a mechanism to contact all RAPs within the state in order to allow them to indicate interest.	680.470(a)
IV			For initial and continued eligibility procedures, the governor must:	680.460(b) 680.450(c)
	1		During a designated time period, solicit and consider recommendations from local boards and training providers regarding the procedures.	680.460(b)(1) - (3) 680.450(c)(1) - (3)
	2		Provide an opportunity for public comment regarding the initial and continued eligibility procedures.	680.460(b)(2) 680.450(c)(2)

Required State Responsibilities (cont.)		20 CFR Citation
V	The designated state entity must determine whether the provider 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 the requirements of WIOA.	680.460(k-1) 680.480 680.430(b)(2), (4)
	1 The governor's procedures must include what the governor considers to be a substantial violation of the requirement to timely and accurately submit all of the information required for completion of the eligible training provider performance reports required under WIOA Section 116(d)(4) and all of the information required for initial and continued eligibility.	680.460(l)
	a These procedures must take into account exceptional circumstances beyond the provider's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues.	680.460(l)(1)
	b Providers who substantially violate the requirement to timely and accurately submit all required information must be removed from the ETP list.	680.460(l)(2)
VI	The designated state entity must ensure that state-established minimum performance levels for initial and/or continued eligibility are met (if applicable) including verifying the accuracy of the information.	680.430(b)
VII	The governor must establish procedures for removing a provider from the list. Such procedures must:	680.480
	1 Remove programs that do not meet established eligibility criteria or state established minimum performance levels (if applicable).	680.430(b)(3) 680.480(c)
	2 Identify which entity is responsible for revoking a provider's eligibility (local board or state agency).	680.480(b)
	3 Ensure that revocation is for a period not less than two years for providers that intentionally supply inaccurate information or substantially violate any provision of WIOA or its regulations and that the training provider is liable to repay all adult and dislocated worker training funds received during the period of noncompliance.	680.480(b)

Required State Responsibilities (cont.)			20 CFR Citation
	4	Providers removed from the statewide ETP list, or from a particular local area list of eligible training providers, must be afforded the opportunity to appeal the removal.	680.480(d) 680.480(e)
	5	Establish an appeals procedure for providers of training to appeal a denial of eligibility. The procedure must include an opportunity for a hearing and must explain the appeals process for denial or termination of eligibility of a provider of training services.	680.480(b) 680.480(d) 680.480(e)
VIII		The governor must establish a procedure by which a provider can demonstrate that providing state-required additional performance and cost information would be unduly burdensome or costly. If the state determines that providers have demonstrated such extraordinary costs or undue burden:	680.490(c), (d)
	1	The state must provide access to cost-effective methods for the collection of the information	680.490(d)(1)
	2	The state may provide additional resources to assist providers in the collection of the information from funds for statewide workforce investment activities reserved under WIOA secs. 128(a) and 133(a)(1); or	680.490(d)(2)
	3	The state may take other steps to assist eligible training providers in collecting and supplying required information such as offering technical assistance.	680.490(d)(3)
Allowable State Responsibilities			20 CFR Citation
I		Governors may require any additional performance information (such as the information described at WIOA Section 122(b)(1)) that the governor determines to be appropriate for eligibility or to better inform consumers.	680.490(c)
II		Governors may establish minimum performance standards for initial and continued eligibility, based on the performance information required for each.	680.450(f) 680.460(f)(1)(iv)
III		The governor may establish procedures and timeframes for providing technical assistance to eligible training providers who are not intentionally supplying inaccurate information or who have not substantially violated any of the requirements under this section but are failing to meet the criteria and information requirements due to undue cost or burden.	680.460(k)
IV		State policies and procedures may provide for reciprocal or other agreements established with another state to permit eligible training providers in a state to accept ITAs provided by the other state.	680.520(c)

Table 2

Required Local Board Responsibilities		20 CFR citation
I	Local boards must 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 the services involved in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities.	680.430(c)(2)
II	Local boards must complete other responsibilities delegated to the local boards by the state (state may not delegate responsibilities specifically designated as a state responsibility unless explicitly stated in this guidance, the WIOA Final Rule, or WIOA statute). For example, local boards must collect such performance information as the state may require and determine whether the providers meet the state's performance criteria.	680.430(c)(1)
III	Local boards must remove ETPs that fail to meet local performance standards (if applicable) from the local ETP list, in accordance with state and local policies and procedures. This process must allow for appeals in accordance with the state's appeals procedure for providers of training to appeal a denial of eligibility from the local list of eligible training providers.	680.480(e) 683.630(b)
IV	Local boards must ensure that the state's ETP list is disseminated publicly through the local one-stop system, including in formats accessible to individuals with disabilities, and its partner programs.	680.430(c)(3)
Allowable Local Board Responsibilities		20 CFR citation
I	The local board may, except with respect to registered apprenticeship programs:	680.430(e)
	1 Require additional criteria and information from local providers as criteria to become or remain eligible in that local area; and	680.430(e)(1)
	2 Set higher levels of performance than those required by the state as criteria for local programs to become or remain eligible to provide services in that local area.	680.430(e)(2)
II	Local boards may supplement the criteria and information requirements established by the governor in order to support informed consumer choice and the achievement of local performance indicators. However, the local board may not do so for registered apprenticeship programs.	680.510(a)

Allowable Local Board Responsibilities (cont.)			20 CFR citation
	1	This additional information may include:	680.510(b)
		a Information on programs of training services that are linked to occupations in demand in the local area;	680.510(b)(1)
		b Performance and cost information, including program-specific performance and cost information, for the local outlet(s) of multi-site eligible training providers;	680.510(b)(2)
		c Information that shows how programs are responsive to local requirements; and	680.510(b)(3)
		d Other appropriate information related to the objectives of WIOA.	680.510(b)(4)
III	Local boards may make recommendations to the Governor on the procedure used to determine eligibility of providers and programs.		680.430(d)

Table 3

Training Provider Responsibilities		20 CFR citation
I	Training providers must submit accurate and timely performance data and cost information for both initial eligibility and continued eligibility at least every two years, according to procedures established by the governor.	680.450(a) 680.450(e) 680.460(g) 680.460(l) 680.490(a), (b)
II	Training providers must deliver results and provide accurate information in order to retain status as an ETP.	680.460(h-l)
III	RAPs must submit the information necessary to indicate interest in being on the ETP list according to procedures established by the state, after being contacted by the state. These items should include the items in the checklist in Attachment III.	680.470(a) 680.450(b)
IV	Intermediaries serving as RAPs who are employers using an outside instructional provider must identify their instructional provider in accordance with requirements established by their local board.	Forthcoming Guidance