

**Nevada Department of Employment, Training and Rehabilitation  
(DETR)  
Workforce Innovation and Opportunity Act  
State Compliance Policy (SCP)**

**Policy Number: 1.12**

**Originating Office:** Workforce Investment Support Services

**Subject:** WIOA; Selection of Eligible Training Providers (ETPs)

**Approved:** GWDB – July 21, 2016

**Purpose:** In accordance with WIOA Sec. 122, this policy explains the requirements and timelines for determining training provider eligibility in order to utilize WIOA title I-B training funds and for publicly disseminating the eligible training provider list.

**State Imposed Requirements:** This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

**Authorities/References:**

Workforce Innovation and Opportunity Act (P.L. Sec. 113-128), NPRM 20 CFR 680.400-530, TEGL 41-14, TAG 15-2

**ACTION REQUIRED:**

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any local boards' policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

**Background:**

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principles. As required by WIOA sec. 122, proposed § 680.400 explains that States, in partnership with Local Boards, must identify providers of training services that are qualified to receive WIOA funds to train adults and dislocated workers. Therefore, WIOA requires that each State must maintain a list of ETPs. The list must be accompanied by relevant performance and cost information and must be made widely available, including in electronic formats, and presented in a way that is easily understood, in order to maximize informed consumer choice and serve all significant population groups.

The State eligible training provider list (ETPL) and the related eligibility procedures ensure the accountability, quality and labor-market relevance of programs of training services that receive funds through WIOA title I-B. The State list is also a means for ensuring informed customer

choice for individuals eligible for training. In administering the eligible training provider process, States and local areas must work to ensure that qualified providers offering a wide variety of job-driven training programs are available.

**Policy and Procedure:**

Only providers that the State determines to be eligible, as required in WIOA Sec. 122, may receive training funds under WIOA title I-B to provide training for participants who enroll in a WIOA-funded program of training services. Local Boards are required to have written policy as they pertain to the administration of the ETPL process. Only those applications that the Local Board have reviewed and found to be accurate and within the purview of in-demand occupations of their local area, shall be forwarded, in a timely manner, to the State for consideration and approval.

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions in WIOA title I-B. Training services exempt from the Section 122 eligibility requirements include:

- On-the-job training; customized training; incumbent worker training; transitional employment; or
- The circumstances described at WIOA sec. 134(c)(3)(G)(ii), where the Local Board determines that:
  - There are insufficient providers, or
  - There is a training services program with demonstrated effectiveness offered in the local area by a community-based organization or other private organization to serve individuals with barriers to employment, or
  - It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such contract does not limit customer choice; or
- When the Local Board provides training services through a pay-for-performance contract

**Program of Training Service (680.420)**

A program of training services, as referred to in § 680.410(a), is one or more courses or classes, or a structured regimen that leads to:

- (a) A recognized post-secondary credential, secondary school diploma or its equivalent,
- (b) Employment, or
- (c) Measurable skill gains toward such a credential or employment.

**Eligible Providers of Training Services (WIOA Sec. 122(a), CFR 680.410, TEGL 41-14)**

(a) Eligible providers of training services are entities that are eligible to receive WIOA title I-B funds, according to criteria and procedures established by the Governor in accordance with WIOA sec. 122(b) for adult and dislocated worker participants who enroll in training services.

Potential providers may include:

- (1) Institutions of higher education that provide a program which leads to a recognized post-secondary credential;
- (2) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.);

(3) Other public or private providers of a program of training services, which may include 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; [or 122(a)(2)]

(4) Local Boards, if they meet the conditions of WIOA sec. 107(g)(1).

(b) In order to provide training services, a provider must meet the requirements of this part and WIOA sec. 122.

(1) The requirements of this part apply to the use of WIOA title I–B adult and dislocated worker funds to provide training:

(i) To individuals using individual training accounts to access training through the eligible training provider list; and

(ii) To individuals for training provided through the exceptions to individual training accounts described at §§ 680.320 and 680.530. Training services under WIOA title I–B may be provided through a contract for services rather than Individual Training Accounts under conditions identified in WIOA sec. 134(c)(3)(G). These exceptions include: on-the-job training, customized training, incumbent worker training or transitional employment; instances where the Local Board determines there is insufficient number of eligible providers of training services in the local area; where the Local Board determines an exception is necessary to meet the needs of individuals with barriers to employment (including assisting individuals with disabilities or adults in need of adult education and literacy services); where the Local Board determines that it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations (where the contract does not limit customer choice); and, for pay-for-performance contracts.

(2) The requirements of this part apply to all entities providing training to adult and dislocated workers, with specific exceptions for entities that carry out registered apprenticeship programs, as described in § 680.470.

***A private provider of training services providing services other than basic/life skills training must, as appropriate:***

- 1. Be licensed by the Nevada State Commission on Postsecondary Education as required in Nevada Revised Statutes 394.099 and 394.415 and carry a Nevada State and local business license as required and be accredited by appropriate body associated with training or***
- 2. Be licensed to provide training by an alternative licensing agency accepted by the Nevada State Commission on Postsecondary Education (currently only CDL training, cosmetology, barbering and pilot training), [§ 680.450 (d), 122(b)(1)(E)] and carry a Nevada State and local business license as required.***

Note: A provider of training services, as described above, must comply with the criteria, information requirements, and procedures established under WIOA and TAG 15-2 to be included on the list of eligible providers of training services. Registered Apprenticeship programs will

remain on the ETPL as long as they remain registered as described in WIOA Sec. 122 (2)(B). WIOA Sec.122(a)(3).

### **WIOA ETPL Application/Initial Continued Eligibility Process**

WIOA initial ETPL requirements are found in WIOA Sec. 122(c), CFR 680.460 and TAG 15-2.

### **Application Process for Continued Eligibility (CFR 680.460)**

(a) The Governor must establish an application procedure for training providers to maintain their continued eligibility. The application procedure must take into account the provider's prior eligibility status.

(1) Training providers that were previously eligible under WIA, as of July 21, 2014, will be subject to the application procedure for continued eligibility after the close of the Governor's transition period for implementation, described in § 680.440.

(2) Training providers that were not previously eligible under WIA and have been determined to be initially-eligible under WIOA, under the procedures described at § 680.450, will be subject to the application procedure for continued eligibility after their initial eligibility expires.

(b) The Governor must develop this procedure after:

(1) Soliciting and taking into consideration recommendations from Local Boards and providers of training services within the State;

(2) Providing an opportunity for interested members of the public, including representatives of business and labor organizations, to submit comments on such procedure; and

(3) Designating a specific time period for soliciting and considering the recommendations of Local Boards and providers, and for providing an opportunity for public comment.

(c) Apprenticeship programs registered under the National Apprenticeship Act (NAA) must be included and maintained on the list of eligible providers of training services for as long as the corresponding program remains registered. The Governor's procedure must include a mechanism for registered apprenticeship programs to indicate interest in being included on the list, as described in § 680.470.

(d) The application procedure must describe the roles of the State and local areas in receiving and reviewing provider applications and in making eligibility determinations.

(e) The application procedure must be described in the State Plan.

(f) In establishing eligibility criteria, the Governor must take into account:

(1) The performance of providers of training services on the performance accountability measures described in WIOA secs. 116(b)(2)(A)(i)(I)–(IV) and required by WIOA sec. 122(b)(2), which may include minimum performance standards, and other appropriate measures of performance outcomes for program participants receiving training under WIOA title I–B, as determined by the Governor. Until data from the conclusion of each performance indicator's first data cycle is available; the Governor may take into account alternate factors related to such performance measure.

(2) Ensuring access to training services throughout the State including rural areas and through the use of technology;

(3) Information reported to State agencies on Federal and State training programs other than programs within WIOA title I–B;

(4) The degree to which training programs relate to in-demand industry;

- (5) State licensure requirements of training providers;
  - (6) Encouraging the use of industry recognized certificates and credentials;
  - (7) The ability of providers to offer programs that lead to post-secondary credentials;
  - (8) The quality of the program of training services including a program that leads to a recognized postsecondary credential;
  - (9) The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment;
  - (10) Whether the providers timely and accurately submitted eligible training provider performance reports as required under WIOA sec. 116(d)(4); and
  - (11) Other factors that the Governor determines are appropriate in order to ensure: the accountability of providers; that one-stop centers in the State will meet the needs of local employers and participants; and, that participants will be given an informed choice among providers.
- (g) The information requirements that the Governor establishes under paragraph (f)(1) of this section must require training providers to submit appropriate, accurate and timely information for participants receiving training under WIOA title I–B. That information must include:
- (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 post-secondary 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 recognized postsecondary credentials received by program participants;
  - (6) Information on cost of attendance, including costs of tuition and fees, for program participants;
  - (7) Information on the program completion rate for such participants.
- (h) The eligibility criteria must require that:
- (1) Providers submit performance and cost information as described in paragraph (g) of this section and in the Governor’s procedures for each program of training services for which the provider has been determined to be eligible, in a timeframe and manner determined by the State, but at least every 2 years; and
  - (2) That the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers (WIOA sec. 122(b)(1)(J)(iv)).
- (i) The procedure for continued eligibility must also provide for the State to review biennially-required provider eligibility information to assess the renewal of training provider eligibility. Such procedures may establish minimum levels of training provider performance as criteria for continued eligibility.
- (j) The procedure for biennial review of the provider eligibility must include verification of the registration status of registered apprenticeship programs as described in § 680.470.
- (k) Local Boards may require higher levels of performance for local programs than the levels specified in the procedures established by the Governor.
- (l) The Governor may establish procedures and timeframes for providing technical assistance to

eligible providers of training 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.

***When determining continued eligibility, Local Boards/DETR will take into account the following OTHER additional factors:***

- ***The quality of the program of training service as outlined in local board policy;***
- ***Information conveyed through customer satisfaction survey, complaints from participants, Service Providers, licensing and accrediting bodies;***
- ***The rate of achieved recognized credentials earned by participants;***
- ***Rate of employment outcomes; and***
- ***On-site monitoring report(s)***

***Once the Provider of Training Services is determined eligible, the training provider agrees that their school will:***

- ***Provide Local Board Service Providers with progress reports as their participants attend;***
- ***Notify their Local Board of changes, including deletion of courses, programs or locations, changes in program cost, accreditation certification and /or licensing or change in ownership;***
- ***Provide services in a professional, safe and timely manner as outlined in local board policy;***
- ***Have an adequate facility that abides with ADA requirements;***
- ***Abide by Equal Opportunity and non-discrimination (WIOA Sec. 188 and NRS);***
- ***Not advertise that they are an eligible training provider with DETR/JobConnect;***
- ***Not expect or require minimum numbers of referred customers;***
- ***Within 1 year, and every year thereafter, submit performance data on all students and follow requirements of this policy for continued eligibility (WIOA 122 (b)(4)(C)); and***
- ***Resubmit an application as required but not less than every two years. (WIOA 122 (c)(2))***

#### **Registered Apprenticeship Programs (CFR 680.470, TEGL 41-14)**

(a) All registered apprenticeship programs that are registered with the U.S. Department of Labor, Office of Apprenticeship, or a recognized State apprenticeship agency are automatically eligible to be included in the State list of eligible training providers. Some program sponsors may not wish to be included on the State eligible training provider list. Therefore, the Governor must establish a mechanism for registered apprenticeship program sponsors in the State to indicate that the program sponsor wishes to be included on the State eligible training provider list. This mechanism should be developed with the assistance of the U.S. Department of Labor Office of Apprenticeship representative in the State or, if the State oversees the administration of the apprenticeship system, with the assistance of the recognized State apprenticeship agency.

(b) Once on the State eligible training provider list, registered apprenticeship programs will remain on the list until they are deregistered or until the registered apprenticeship program notifies the State that it no longer wants to be included on the list.

(c) Inclusion of a registered apprenticeship in the State eligible training provider list allows an individual who is eligible to use WIOA title I–B funds to use those funds toward apprentice training, consistent with their availability and limitations as prescribed by § 680.300. The use of individual training accounts and other WIOA title I–B funds toward apprenticeship training is

further described in § 680.330.

(d) The Governor is encouraged to consult with the State and Local Boards, ETA's Office of Apprenticeship, recognized State apprenticeship agencies (where they exist in the Governor's State) or other State agencies, to establish voluntary reporting of performance information.

Apprenticeship programs are required to include the following information for the State:

- Occupations included within the Registered Apprenticeship program;
- The name and address of the Registered Apprenticeship program sponsor;
- The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
- The method and length of instruction; and,
- The number of active apprentices.

Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program (as outlined above) may be required to provide additional information about their education provider, including the cost of the instruction.

Technology based training (on-line programs), must complete the application process as lined out in the application/instructions and include the following additional information; how students login and submit their assignments, testing requirements, if a proctor test, what location, who grades the online submission, and how attendance is being tracked.

Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they go through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsor with the United States Department of Labor or the State Apprenticeship Agency (SAA) and the *State of Nevada Department of Business and Industry Office of the Labor Commission State Apprenticeship Program* (source: <http://www.laborcommissioner.com/apprenticeship.html>)

The State of Nevada Department of Business and Industry Office of the Labor Commission has apprenticeship forms and procedures to become a registered apprenticeship program on line at; [http://www.laborcommissioner.com/forms\\_pubs.html#apprenticeship](http://www.laborcommissioner.com/forms_pubs.html#apprenticeship)

Reference TAG 15-2 for additional clarification. The TAG can be found at: [http://detr.state.nv.us/workforce\\_investment\\_pages/Technical\\_Assistance\\_Guides.htm](http://detr.state.nv.us/workforce_investment_pages/Technical_Assistance_Guides.htm)

### **Loss of Eligibility (CFR 680.480)**

A training provider must deliver results and provide accurate information in order to retain its status as an eligible training provider. Further clarification outlining loss of eligibility can be found in SCP 1.13.

### **Performance Requirements (WIOA 116(d)(4), CFR 680.490, TEGL 41-14)**

After the initial period of eligibility ends, one year, Training Providers will be required to meet the following reporting requirements in order to remain eligible to receive WIOA funding as indicated by the Primary Performance Indicators for the WIOA ETP Performance Report.

DETR must provide access to cost-effective methods for the collection of this information.

The (ETP) Performance Report, applicable only to the title I Adult and Dislocated Worker programs, must report the below five indicators with respect to *all individuals* who exited a program of study and all individuals who completed a program of study including individuals in the program of study who are not WIOA participants.

- (1) The percentage of individuals who are in unsubsidized employment during the second quarter after exit from the program of study;
- (2) The percentage of individuals who are in unsubsidized employment during the fourth quarter after exit from the program of study;
- (3) The median earnings of individuals in the program of study who are in unsubsidized employment during the second quarter after exit;
- (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 one year after exit from the program. For those participants who obtained a secondary school diploma or its recognized equivalent, the participant must also have obtained or retained employment or be in an education or training program;
- (5) The total number of individuals who exit from the program of study.

The ETP Performance Report must report the below indicators with respect to *all WIOA participants* in the program of study.

- (1) The number of participants exiting from the program of study (or the equivalent);
- (2) The total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years;
- (3) The total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;
- (4) The average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the three preceding program years; and
- (5) The number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by each subpopulation of such individuals, and by race and ethnicity, sex, and age.

**Proposed Performance Measures**

- Unsubsidized employment during the second quarter after exit.....**34%**
- Unsubsidized employment during the fourth quarter after exit.....**33%**
- Median Earnings..... **\$3,480**
- Credential attainment.....**20%**

Note: Data collected will be analyzed as appropriate over the span of the next two program years, and considered in setting, re-setting and in determining additional WIOA Performance Measures, as determined by the Governor. Additional performance measures may be released in

the future; along with final performance requirement should they change from the above proposed. The designated levels of performance will be published on the DETR ETPL website on a yearly basis.

**Agreements with other States (WIOA Sec. 122(g) CFR 680.520)**

Participants may choose any of the eligible providers and programs on the State list. A State may also establish a reciprocal agreement with other States to permit providers of eligible training programs in each State to accept individual training accounts provided by the other State. See WIOA sec. 122(g). Providers of training services that are located outside the local area may not be subject to State eligibility procedures if the provider has been determined eligible by another State with such an agreement. States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another state.

***Note: The reciprocal agreements approved under WIA will remain in place until updates are available.***

**Dissemination of the State ETPL (CFR 680.500)**

(a) In order to assist participants in choosing employment and training activities, the Governor or State agency must disseminate the State list of eligible training providers and accompanying performance and cost information to Local Boards in the State and to members of the public online including through Web sites and searchable databases and through whatever other means the State uses to disseminate information to consumers, including the one-stop delivery system and its program partners throughout the State.

(b) The State list and information must be updated regularly and provider eligibility must be reviewed biennially according to the procedures established by the Governor in § 680.460(i).

(c) In order to ensure informed consumer choice, the State eligible training provider list and accompanying information must be widely available to the public through electronic means, including Web sites and searchable databases, as well as through any other means the State uses to disseminate information to consumers. The list and accompanying information must be available through the one-stop delivery system and its partners including the State's secondary and post-secondary education systems. The eligible training provider list should be accessible to individuals seeking information on training outcomes, as well as participants in employment and training activities funded under WIOA, including those under § 680.210, and other programs. In accordance with WIOA sec. 188, the State list must also be accessible to individuals with disabilities.

(d) 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:

- (1) Recognized post-secondary credential(s) offered;
- (2) Provider information supplied to meet the Governor's eligibility procedure as described in §§ 680.450 and 680.460;
- (3) Performance and cost information as described in § 680.490; and
- (4) Additional information as the Governor determines appropriate.

(e) The State list and accompanying information must be made available in a manner that does not reveal personally identifiable information about an individual participant. In addition, in developing the information to accompany the State list described in § 680.490(b), disclosure of

personally identifiable information from an education record must be carried out in accordance with the Family Educational Rights and Privacy Act, including the circumstances relating to prior written consent.

Nevada's ETPL can be found on DETR's web site.

### **Training Providers Serving Participants in the Trade Adjustment Assistance Program (TAA) (TEGL 41-14)**

The TAA program established under the Trade Act of 1974, Public Law 93-618, as amended, does not contain the WIOA sec. 122 requirement that only providers that the State determines to be eligible, including apprenticeship programs, may receive training funds. TAA participants may select a training program offered by a provider on the State list of eligible training providers, and the cooperating state agency administering TAA for the state may approve that training if it meets the criteria for TAA training approval for that participant.

If a participant is co-enrolled in a WIOA program and TAA, the TAA program also may fund training by a provider that is not on the State list of eligible training providers. However, if a co-enrolled participant receives training under WIOA, the requirements under WIOA sec. 122 apply.

### **Eligible Training Provider Exceptions ( WIOA Sec. 122(h), CFR 680.530, TEGL 41-14)**

Providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience, or transitional employment are not subject to the same requirements as entities listed on the eligible training provider list. For these training programs, one-stop operators in a local area must collect such performance information as the Governor may require and determine whether the providers meet the Governor's performance criteria. The Governor may require one-stop operators to disseminate a list of providers that have met the performance criteria, along with the relevant performance information about them, through the one-stop delivery system. Providers that meet the criteria are considered eligible providers of training services. These providers are not subject to the other requirements of WIOA sec. 122 or this part.

### **Local Board Responsibilities**

The Local Boards are responsible for carrying out the following procedures assigned by the State:

- Review new and subsequent training provider applications for programs of training services to ensure labor market relevance, WIOA training provider's eligibility criteria, performance information and State required items have been provided accurately prior to submission to the WISS for final approval.
- Consult with the State when establishing procedures affecting the ETPL;
- ***Quarterly determine new RA programs wishing to be on the list and provide required information to the State for submission to the ETPL.***
- ***Yearly determine those RA programs who no longer wish to be on the list and those who are de-registered with federal Office of Apprenticeship (OA) director or the applicable State agency and are communicated to the State for removal from the ETPL.***

- Ensure the LWDBs' current policy outlines the Appeals Process for ineligible provider/programs denied inclusion and or removed from the ETPL for cause, is provided to all interested parties.
- Recommend the termination of programs/providers from the ETPL per SCP 1.13.
- Work with the State to ensure that: there are sufficient numbers and types of providers of career services and 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;
- Maintain the credibility of the State ETPL Applications, which means that ONLY State approved changes/updates to the applications are allowed.
- Ensure the State's eligible training provider list is disseminated publicly through the local One Stop system, and its partner programs;
- LWDBs may require additional information and/or set higher levels of performance for providers to become or remain eligible to provide services in their particular area within the parameters set forth in WIOA and State requirements;
- Establish a procedure to provide interested members of the public an opportunity to make recommendations and submit comments regarding the eligibility process. Quarterly submit these comments to WISS;
- Determine programs meet the eligibility criteria and performance levels established by the State;
- Conduct on- site visits of training providers as necessary to ensure proper outcomes and local, state and federal regulation as they relate to safe practices and ADA requirements.
- Communication of Federal, State and local law, policy and procedures as they relate to eligibility, continued eligibility, performance and complaints.
- Communication of State Compliance Policies as they relate to Equal Opportunity (SCP 4.1) Employment Opportunity (SCP 4.2), Discrimination, Grievance/ Complaints (SCP 4.3), Non—criminal Grievance/Complaint (SCP 4.4) Sexual Harassment Procedure (SCP 4.5), Nepotism (SCP 4.6), Termination of Training Service Providers (SCP 1.13);
- Written policy for tracking items purchased through tuition costs, i.e.; books, electronics and support services related to training activities. (CFR 683.410). Reference SCP 1.15, 1.8 and 1.13.

Note: it is the responsibility of the recipient and each sub-recipient to conduct regular oversight and monitoring of its WIOA activities and those of its sub-recipients and contractors in order to determine expenditures have been made against the cost categories and within the cost limitations specified in WIOA and the corresponding regulations. (CFR 683.410) Reference SCP 1.15., 1.8; and

- Local Boards will submit performance and cost information, as well as determinations of provider retention, to the lead state agency within forty-five (45) days from the date that the information is due from providers. If the lead state agency determines, within thirty (30) days from the receipt of information, that the provider does not meet the established state performance levels for the program of training services or is in non-compliance, the lead state agency will recommend removal of the provider from the list of training providers as appropriate CFR 680.480.

State (WISS) is responsible to ensure the quality and value of eligible training providers for WIOA participants by:

- Establishing ETPL eligibility procedures;
- Clarifying State and LWDB roles and responsibilities;
- Providing Statewide publication/dissemination of ETPL;
- Verifying programs meet the eligibility criteria and established performance levels;
- Verifying the accuracy of LWDB submitted information;
- Verifying the accuracy of LWDB procedure on adding and removing RA programs;
- Upon request from the LWDBs, removing programs that do not meet established program criteria or performance levels;
- Ensuring performance and cost information relating to each provider is available to the public;
- Adjudicating as required in Appeals Process;
- Providing final approval of providers and programs recommended by the LWDBs; and
- Consulting with the State Board when establishing procedures affecting the ETPL
- Establish a procedure by which a provider can demonstrate that providing the required additional performance information would be unduly burdensome or costly. If DETR determines that the provider has demonstrated this, DETR will provide access to cost-effective methods for the collection of the required performance information

#### **ETPL Reimbursement Policy**

***DETR will recognize training agency existing reimbursement policies that are in place through its accrediting entity, standard catalog or well distributed agency documentation. In the absence of existing reimbursement policy, training providers will follow SCP 3.12.***