



## ADMINISTRATIVE POLICY

FG OSPS-77

<b>TITLE:</b>	Selection and Retention of Eligible Training Providers under the Workforce Investment Act of 1998 and Florida Statutes
<b>RESPONSIBLE OFFICE:</b>	Division of Workforce Services, Bureau of One-Stop and Program Support
<b>EFFECTIVE:</b>	May 13, 2013 (Revised August 16, 2013)

### I. PURPOSE/SCOPE

The purpose of this issuance is to provide guidance to Regional Workforce Boards (RWB), as well as post-secondary training providers of training services funded under the Workforce Investment Act (WIA), regarding the Eligible Training Provider List (ETPL).

The document provides guidelines for the inclusion and retention of training providers determined eligible to provide training services and to receive WIA funds for serving Adults and Dislocated Workers.

### II. SUMMARY/INTRODUCTION

The Workforce Investment Act mandates that training services for adults and dislocated workers be provided through approved training providers. WIA emphasizes informed customer choice, system performance, and continuous improvement. Regional Workforce Boards, in partnership with State entities, identify training providers and programs whose measurable performance qualifies them to receive WIA funds. The State and RWBs are required to administer the eligible provider process to ensure that significant numbers of competent providers, offering a wide variety of training programs and occupational choices, including e-learning, are available to customers. To effect this requirement, the State and RWBs will publish the State Eligible Training Provider List (ETPL) and provide it to WIA-eligible clients.

### III. REVISION INFORMATION

This Guidance Paper supersedes AWFI FG 00-002 and 002a, *Selection of Training Service Providers under the Workforce Investment Act of 1998 and the Workforce Florida Act of 1996 as Amended*

### IV. AUTHORITY

[Workforce Investment Act, Sections 122, 134](#)  
[WIA Regulations, 20 CFR 663, et seq., Subpart E – Eligible Training Providers](#)  
[Florida Statutes, Chapter 445 – Workforce Innovation](#)  
[FS Chapter 1005 – Nonpublic Postsecondary Education](#)  
[FAC 6E – Commission for Independent Education](#)  
[FS Chapter 1008 – Assessment and Accountability](#)  
[FAC 6A-10.0341 & 10.0342 – re: Vocational Education Performance](#)  
[Letter from the USDOL with Approval of Waivers](#)

### V. DEFINITIONS

**Program of Training Services:** A program of training services is one or more courses or classes, or a structured regimen which upon successful completion leads to: (a) a certificate, an associate degree, baccalaureate degree, or (b) the skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally for many types of jobs or occupations as recognized by employers and determined prior to training (20 CFR 663.508).

**Eligible Provider of Training Services:** Entities eligible to receive local Adult and Dislocated Worker funds to provide training services, including e-learning, to eligible clients. In order to be eligible to provide such training services, an educational entity must meet the requirements of WIA section 122, 20 CFR 663.500, *et seq.* as well as comply with the requirements of this Guidance. Such entities include: postsecondary educational institutions, entities that carry out programs under the National Apprenticeship Act, and other organizations that provide training services as defined by WIA.

**Targeted Occupation Lists (TOL):** Training services for adults and dislocated workers must be directly linked to demand occupations. The TOLs, statewide and local, define demand occupations based on short and long-term growth forecasts with a special focus on occupations that require high skills and provide high wages. These lists are approved by Workforce Florida, Inc. based on data provided by the Workforce Estimating Conference as well as additional data provided by local boards in consultation with DEO's Labor Market Statistics Center.

## VI. PROCEDURES/POLICY

### INITIAL ELIGIBILITY DETERMINATION

Training providers fall into two categories; those which are automatically eligible and those which require additional steps to qualify.

#### 1. *Automatically Eligible Training Providers:*

- Post-secondary educational institutions eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 and that provide programs leading to associate degrees, baccalaureate degrees or certificates. This includes accredited universities and community colleges as well as some technical institutes.
- Entities that carry out programs under the National Apprenticeship Act.

#### 2. *Other Public or Private Training Providers:*

Entities that do not fall under the above criteria must apply for listing on the ETPL through the appropriate local board(s). **Note.** When a postsecondary educational institution or an entity providing registered apprenticeships offers training services that do not meet the requirements under the criteria listed above (i.e. not degree or certificate-based, or not a registered apprenticeship), they must also apply through the appropriate local board(s).

Local boards must establish an ETPL Policy and Procedures for the approval of training providers and programs that includes:

- a. The method for advertising the local approval process for the approval of eligible training providers.
- b. The criteria for the initial inclusion of training providers and programs on the local list of approved providers and the [criteria for inclusion on the list in subsequent years](#).
- c. The process for how additions to and deletions from the locally approved list of training/providers and programs are made.
- d. The process for posting local policies and procedures relating to the approval of training providers/programs on the local websites.
- e. The process for listing of approved providers/programs and of the State ETPL on the One-Stop website.

### SUBSEQUENT ELIGIBILITY DETERMINATION

In order for training providers and their programs to remain on the list of approved providers/programs, regions must conduct annual eligibility reviews to ensure that providers and their programs continue to meet the following requirements:

- Maintaining proper accreditation and/or Florida licensure

- Timely reporting of student data to the Florida Education & Training Placement Information Program ([FETPIP](#))
- Meeting State and local performance standards
- Reporting of any changes in the acceptance of federal financial aid, cost information, refund practice, etc.

#### **ADDITIONAL STATE AND FEDERAL REQUIREMENTS APPLICABLE TO ELIGIBLE TRAINING PROVIDERS AND PROGRAMS**

RWBs must ensure compliance with the following Federal and State statutory and regulatory requirements:

- Training providers must report student data for each approved program to the Florida Education & Training Placement Information Program (FETPIP). FS 445.004(9)(e).
- For each approved training program, RWBs must establish a fair-market purchase price to be paid through an Individual Training Account, in consultation with training providers. FS 445.009(8)(b).
- RWBs are required to obtain information about tuition, fees, and other charges made by the training provider for each approved program. WIA 122(d) & (e).
- RWBs are required to establish a process for obtaining refunds based on the established policy of the training institution in the event a WIA-funded student exits training prior to completion.
- RWBs are required to ensure that training providers do not offer unlawful remuneration to attract students. FS 445.009(8)(b).

#### **DATA REPORTING TO THE FLORIDA EDUCATION & TRAINING PLACEMENT INFORMATION PROGRAM (FETPIP)**

Florida law requires that educational and workforce training providers report student/participant performance data for each of their training programs to [FETPIP](#). Florida school districts, community colleges and state universities report their data directly to FETPIP. Other institution that wish to be approved as a WIA training provider must become licensed with the [Commission for Independent Education \(CIE\)](#), which coordinates the gathering and analysis of student performance data with FETPIP.

#### **ANNUAL REVIEW AND UPDATE OF THE ETPL**

Each year, DEO will update the Statewide ETPL to include training programs that meet the criteria for inclusion on the ETPL. During that review period, each RWB will be required to provide a list of the training providers and programs which the board has approved for the region. RWBs will identify e-learning training programs. At the conclusion of the annual review, DEO will disseminate the list of Statewide Eligible Training Providers and Programs listed on the ETPL.

### **PERFORMANCE STANDARDS FOR INCLUSION AND RETENTION OF PROGRAMS AND PROVIDERS ON THE ETPL**

Every year, in preparation for the annual review of training programs, RWBs will analyze performance data received from FETPIP as well as from the State Management Information System. These analyses must be conducted for all program completers as well as WIA participants and will include as available:

- Completion rate
- Employment rate in related occupation at 1 Year
- Percentage of individuals who obtain unsubsidized employment
- Wages at placement in employment
- Retention rate in unsubsidized employment at six months after employment
- Wages at six months after employment
- Rate of licensure
- Cost per participant

Upon conclusion of these analyses, and taking into account State and local labor market and demographic data, RWBs will establish annual performance criteria that their approved programs must meet. RWB standards must be published on the RWB's website.

### **OUT OF STATE TRAINING INSTITUTIONS**

Out-of-state postsecondary institutions that are not operating within the State<sup>1</sup> of Florida and are not required to be licensed by CIE must provide the following information to each RWB with which it wishes to do business:

1. Performance information listed above for each program for which it seeks approval, AND
2. Evidence that the institution (and applicable programs) is accredited by an accreditation agency approved by the United States Department of Education, AND
3. Evidence that the institution meets the licensing requirements of its home state, AND
4. Evidence that the institution is on its state's ETPL.

In order to provide performance information for its programs, out-of-state providers are required to report their student completer data to FETPIP to the extent feasible under established reporting mechanisms.

### **REMOVAL OF TRAINING PROGRAMS AND PROVIDERS FROM THE STATEWIDE ETPL**

A training program that fails to meet accreditation, licensure, and/or required levels of performance shall be removed from the ETPL. Training providers that fail to provide

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<sup>1</sup> FS 1005.02(14).

student performance data to FETPIP and/or CIE as required will be removed from the ETPL.

Any training provider that is determined to have supplied inaccurate information or to have violated any provision of the Workforce Investment Act shall be removed from the ETPL. A provider whose eligibility is terminated under these conditions may be liable to repay all WIA adult and dislocated worker training funds received during the period of noncompliance.

### **TRAINING PROGRAMS AND PROVIDERS NOT REQUIRED TO BE INCLUDED ON THE ETPL**

Under WIA law, two types of training programs are not required to be included on the ETPL:

- On-the-Job Training (OJT)
- Customized Training

OJT and Customized Training are work-based training mechanisms which require agreements with employers, matching funds and commitments to hire or retain workers, among other regulatory requirements. See [20 CFR 663.700-730](#).

Pursuant to the current waiver granted by the U.S. Department of Labor, incumbent worker training provided as part of a layoff aversion strategy is not required to be provided through providers listed on the ETPL. Note that waivers are typically granted for a limited time period. See [FG-060](#) for more information about the local incumbent worker training requirements.