

**Capital Region Workforce Partnership  
Workforce Development Board  
WIOA Service Policy #105**

**Eligible Training Provider Certification Process**

**References:** Workforce Innovation and Opportunity Act of 2014; Section 122  
WIOA Final Rule, 20 CFR Parts 680.400 - 500  
Virginia Board of Workforce Development Policy #15-02

**Date:** December 1, 2016; Revisions Adopted September 23, 2021

**Purpose:**

This policy governs the Capital Region Workforce Development Board's (WDB) Training Provider review and approval process for inclusion of training programs to the Virginia Statewide Eligible Training Provider List (ETPL).

**Background:**

The Workforce Innovation and Opportunity Act (WIOA) seeks to promote a training environment that fosters performance accountability, attainment of skills, credentials, certificates and diplomas that lead to employment in occupations in demand in the local economy and thereby; enhancing quality of life for customers.

The ETPL is the training provider list that must be used to issue Individual Training Accounts for the training of WIOA-enrolled participants when a determination has been made that training is needed to meet the customer's employment and earnings goal. The enrollee can compare the offerings on the ETPL and, with the advice of Workforce Center Staff, select the best training program for their individual needs.

**I. Program of Training Services Defined:**

Capital Region Workforce Development Board and Virginia Board of Workforce Development have defined a program of training services as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or equivalent, employment, or measurable skills gains towards a credential or employment.

**II. Eligible Program Applicants:**

There are five categories of providers who can apply to the Capital Region Workforce Development Board for consideration to be included on the ETPL:

**A.** A postsecondary educational institution that is eligible to receive federal funds under Title IV of the Higher Education Act of 1965 and that provides a program that leads to certification or license or college certificate, associate degree, or baccalaureate degree.

**B.** A postsecondary school that offers formal instructional programs with curricula designed primarily for students who have completed the requirements for a high school diploma or its equivalent. Such schools include programs of academic-vocational, vocational, and continuing professional education that may lead to a certification or licensure. This category excludes vocational and adult basic education programs.

C. An entity that carries out related instruction under the National Apprenticeship Act that is recognized by the Virginia Department of Labor and Industry.

D. A provider of a program of occupational training services that under Section 23-276.2 of the Code of Virginia is exempt from SCHEV certification as a postsecondary school in the Commonwealth such as a professional or occupational training program regulated by another state or federal governmental agency other than the SCHEV, any school, institute, or course of instruction offered by any trade association or any nonprofit affiliation of a trade association on subjects related to the trade, business, or profession represented by such association.

E. A provider of adult education and literacy as defined in Title II of the WIOA, if such activities if approved to the list and utilized, are provided in combination with other occupational skills training and defined in the WIOA.

### **III. Other Considerations:**

A. Providers and programs operating in Virginia under all categories shall submit an application.

B. Programs and providers under categories 1 and 2 must provide evidence as part of their application that they are certified to operate in Virginia and that they have program accreditation/approval from an applicable state agency in order to be considered for approval by the Capital Region Workforce Development Board.

C. For Category 3 providers, a different application form is provided by the state. Such providers must be granted approval if the Virginia Department of Labor and Industry verifies the sponsoring employer and related instruction have been recognized by the state and are in good standing.

Nothing in this policy shall preclude the approval of Bachelors or Masters level programs that otherwise meet these policy requirements.

### **IV. Other Possible Providers may Include:**

A. Distance and Online Training Providers. WIOA funds may be used for programs that are conducted in a completely online format. In these instances, training providers must follow the same approval and renewal process.

B. Out of Staff Training Providers (In-Person Training). WIOA funds may be used for approved program from other states. Approved providers and programs based in other states are not required to complete an application for approval in Virginia. The training provider must be listed on a state maintained eligible training provider list from another state.

### **V. Applications for Initial Approval:**

A. Applications may be submitted at any time, but only those submitted at least 30 days in advance of a regularly scheduled Board meeting will be considered at that meeting. Only completed applications using the forms required by the Commonwealth will be advanced to the Board and considered.

B. Training program applications must be submitted for each unique "program of training services" sought for approval.

C. If approved by the WDB, annual renewals will be required.

D. In order to be reviewed and considered, the application must include responses to all fields of the state-provided application, along with associated supporting documentation. The Capital Region Workforce Development Board also requires any programs seeking approval be either:

- 1) Directly aligned with a targeted industry as identified by the Board, or
- 2) Directly aligned with a demand occupation or industry as identified by the Virginia Employment Commission, or
- 3) Directly aligned with occupations that have documented evidence of hiring which may include a recent economic development announcement, written letter from an employer committing to hire, job listings in the Virginia Workforce Connection with an incidence of at least 25 in the prior 12-month period, and
- 4) Supported by a labor market survey submitted by the applicant that includes at least 20 regional employers, to include sufficient employer contact information for staff verification.

The Capital Region Workforce Development Board WDB reserves the right to not approve any training program applications that is not determined to meet sufficient occupation demand in the Capital Region.

E. Non-Discrimination and ADA Compliance: Providers must be accessible to individuals with disabilities under Section 504 of the Rehabilitation Act of 1973 in accordance with the Americans with Disabilities Act (ADA). They must also have written policies and procedures in place to protect against discrimination on the basis of an individuals' race, color, religion, sex, national origin, age, political affiliation or belief.

## **VI. Initial Review Process:**

- A. Training provider submits application(s) to Board staff.
- B. Staff reviews the application against requirements of this policy and provides information and a recommendation to the Capital Region Workforce Development Board - designated review committee. (The applicant may be invited to the Committee meeting to make a presentation on their application and answer questions).
- C. The designated Committee will make a recommendation of approval or denial the Board.
- D. If the Board elects to deny the training provider's program of Training Services and does not recommend it for inclusion on the ETPL, the Training provider will be notified in writing. Reasons for denial may include but not be limited to: incomplete application or information founds to be inaccurate; determination that program is not in-demand based on criteria at V. D. above; the program is determined to not be universally accessible; or program does not lead to a credential. While cost alone is not a determining factor in the review process, the Board may factor cost during their review and note concerns.
- E. Provisional approvals – For cases where a participant has identified a program that meets the qualifications to be considered that is not currently listed and timing does not allow for a wait until the next WDB meeting, the Executive Director may grant a provisional approval until such time as the WDB next meets to confirm or reverse approval. The Executive Director shall verify that all requirement considerations have been met.

A notice of denial will identify the specific program being denied and the reason(s) for denial. The notice shall also advise the applicant of its right to appeal the decision. The Board will review the applicant's request for reconsideration first at the local level, and if the issue is not resolved, the Commonwealth will review the appeal.

## **VII. Continued Eligibility**

After each year that a program has been certified, a renewal verification must be completed. The provider will be required to verify that all information and factors leading to the approval of the initial application remain in place, or to make any such adjustments as may be necessary to reflect the current conditions. Any verification that results in a change of circumstances from the original approval will require a review by the Board, who may elect to remove the program(s) from the list.

Programs seeking renewal must provide outcomes for all students in any class containing WIOA participants in the prior year to include:

1. Training completion rate – 50% or more required
2. Credential attainment rate – 65% or more required
3. Entered employment rate
4. Post-training earnings

Reporting shall be in the format and at the timing as communicated by the Virginia Community College System.

Performance in category 1 and 2 that does not meet or exceed the rates established by the state and identified above will be removed from the ETPL. If the provider maintains that there were extenuating factors beyond their control leading to failure to achieve the required outcomes, such reasons must be noted if such provider wishes to appeal to removal action.

In either case, a provider failing to provide the requested information within 90 days of receipt will automatically be removed from the ETPL.

## **VIII. Appeal Process:**

The following shall apply to both providers whose initial program application is denied or those that are subsequently removed from the list for performance under Section VII. above.

1. The provider shall have thirty (30) calendar days from the date the denial or removal notification was given to file a request for reconsideration to the Board. The appeal request must be submitted in writing and signed. At a minimum, the appeal must identify the training program and location(s) denied or removed and must clearly state the reason for the appeal.
2. Within sixty (60) calendar days of receipt of the request for reconsideration, the Board shall review the request and issue a written decision that either upholds or reverses the original decision. Instances for a reversal may include, but shall not be limited to, an administrative oversight or instances where additional information submitted by the training provider changes the basis on which the original decision was issued.
3. If the Board or its Executive Committee fails to act on the appeal request during the 60-day time period described above, the initial decision shall automatically be reversed.
4. If the Board upholds its original decision, the applicant shall be entitled to pursue a state-level appeal as outlined in State Policy 15-02.