# *Workforce Investment Act Title I-B*

***Washington State Policies***

***SECTION D***

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*Grantees, subrecipients, and contractors funded under the Workforce Investment Act, (WIA) whether in whole or in part, must abide by the Workforce Investment Act of 1998, the WIA Regulations, all applicable Office of Management and Budget (OMB) Circulars, state regulations in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial Management (OFM) policies, and the Washington State WIA Policies.*

***EFFECTIVE DATE:*** ***July 1, 2003***

***WIA POLICY NUMBER:*** ***3635***

**SUBJECT:** **Governor's Procedure For Determining Training Provider Eligibility**

**BACKGROUND:**

The Governor's Procedure for determining training provider eligibility sets forth Washington State's policy for determining the eligibility of training providers and their programs to receive Workforce Investment Act (P.L. 105-220) Title I-B Individual Training Accounts, and to train dislocated workers receiving additional unemployment insurance benefits under the state's Training Benefits Program. The Washington State Eligible Training Provider list can be accessed at: www.wtb.wa.gov/etp

Local Workforce Development Councils are required to use the procedure. The procedure shall be used to determine eligibility during the time period beginning July 1, 2003 and ending on June 30, 2004. The Workforce Training and Education Coordinating Board (WTECB), on behalf of the Governor, may modify or extend the procedure for use beyond June 30, 2004.

The Procedure consists of three parts. Part I establishes the state required performance levels. Part II establishes the definitions of performance measures and the methodological protocols. Part III establishes the processes for training provider application, data submission, denial of application, and appeal.

## REQUIRED POLICIES

### Part I. State Required Performance Levels

In order for a program of a training provider to be eligible, the program must meet or exceed certain performance levels.

A program must meet or exceed each of the following minimum performance floors:

- A completion rate of 20 percent
- An employment rate of 50 percent
- An earnings level of $3,030 in a calendar quarter

Failure to achieve any one of these minimum floors shall make the program ineligible.

In addition, the program must achieve at least an average of 100 percent of the following performance targets:

- A completion rate of 30 percent
- An employment rate of 65 percent
- An earnings level of $3,815 in a calendar quarter

The average shall be calculated by dividing actual performance on each measure, for which there is sufficient data, by the target for that measure, adding the results together, and dividing by the number of measures for which there is sufficient data.

If a program meets or exceeds each of the minimum performance floors and an average of 100 percent of the performance targets, the program shall be determined to have satisfied the state required performance levels.

If a program meets or exceeds the minimum performance floors but does not achieve an average of 100 percent of the performance targets, then the program's actual performance on each measure shall be adjusted for each measure by a mathematical regression model that takes into account some of the demographic characteristics of the program participants and one or more economic characteristics of the county or counties in which the program participants reside.

If application of the adjustment models result in a program's average performance meeting or exceeding 100 percent of the performance targets, and the program meets or exceeds each of the minimum performance floors (without regression adjustment) then the program shall be determined to have satisfied the state required performance levels.

If a program fails to meet the eligibility requirements for earnings, the program may still qualify by meeting the requirements for hourly wages. The requirements for hourly wages are:

Minimum hourly wage floor = $8.50 per hour
Performance target = $9.50 per hour

Local Workforce Development Councils may establish higher performance levels and/or additional criteria for eligibility.

## Part II. Definitions of Performance Measures and Methodological Protocols

Part II defines the performance measures and methodological protocols that will be used to determine training provider eligibility.

The first three measures shall be used to determine eligibility to receive Workforce Investment Act (WIA) Title I-B Individual Training Accounts beginning July 1, 2001. The other three measures will be used to determine eligibility once there is sufficient data. There will not be sufficient data before July 1, 2003.

The first three measures will also be used to identify training programs that meet program performance criteria under the state's Training Benefits Program. Individuals may receive additional unemployment benefits under the Training Benefits Program only if they are enrolled in a training program that meets the criteria, effective July 1, 2001.

The performance measures are based on administrative records submitted to WTECB and matched with other administrative records as appropriate. Additional, supplemental data will be accepted under certain conditions as specified in Appendix B.

It is the responsibility of the training provider to submit the necessary data elements to WTECB for the performance measures to be calculated. The required process for data submittal is identified in Part III of this policy.

### Definitions

The performance measures are categorized by two groups of three. The first group applies to all program participants, the second group applies only to participants who receive assistance under WIA sec.134.

### A. Performance Measures for all individuals participating in the programs of training services, including individuals who are not receiving assistance under WIA section 134 and individuals who are receiving such assistance.

**1. Completion Rate: "The program completion rates for all individuals participating in the applicable program conducted by the provider." (WIA sec. 122)**

**State definition: The percentage of all exiters from the applicable provider program who successfully completed that program.**

**Calculation:** The number of successful completions of the applicable program during the reporting period divided by the number of exiters from the applicable program during the reporting period.

$$\frac{\text{\#successful completions of the applicable program during the reporting period}}{\text{\#exiters from the applicable program during the reporting period}}$$

**Definition of terms**

**Program:** One or more courses or classes, or a structured regimen, that upon completion, leads to:

(1) a certificate or a degree, or

(2) 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 industries and determined prior to training.

**Exiters:** All participants in the program who left during the reporting period, no matter what the reason and regardless of their start date.

**Reporting Period:** 12 recent calendar quarters.[1]

**Successful Completers:** All exiters who successfully completed the program during the reporting period include:

- Those who have graduated with a degree or certificate from the program.[2]
- For community and technical colleges and private institutions, students who have transferred to a 4-year institution, or students who have completed 45 vocational credits,[3] with a C or above average and are employed.

**Minimum Data Requirement:** Records on 25 exiters from the applicable program or program category during the reporting period.

**Grouping Data:** For performance reporting, individual programs that do not meet the minimum data requirement will be grouped into categories based on similar job type and wage/earnings level using CIP codes.[4] If a program does not meet the minimum data requirement and meets performance standards, but does not meet performance standards when grouped with similar programs, grouping will not be used.

Programs with at least 15 usable student records and for which 3 years of data have been reported must meet the performance requirements at the individual program level.

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[1] The most recent 12 calendar quarters that allow for sufficient time for data analysis prior to eligibility determination.

[2] For community and technical colleges, these also include students whose exit status is Code 9, "earned a non-degree certificate award." For apprenticeships, these include those who the committees have designated as having completed their programs.

[3] For private institutions that do not use the same quarter credit system as the community and technical college system, the acceptable equivalent will be a year of vocational training.

[4] See Appendix A for list of the program categories. Apprentice trade codes are translated into CIP codes for this purpose.

**2. Employment Rate: "The percentage of all individuals participating in the applicable program who obtain unsubsidized employment." (WIA sec. 122)**

**State definition: The percentage of all exiters from the applicable program who obtained unsubsidized employment.**

**Calculation:** The number of exiters from the applicable program during the reporting period with unsubsidized employment in the third quarter after the quarter of exit divided by the number who exited the applicable program during the reporting period.

$$\frac{\text{\#exiters from the applicable program employed in the third quarter after exit}}{\text{\#exiters from the applicable program during the reporting period}}$$

**Definition of terms**

**Program:** One or more courses or classes, or a structured regimen, that upon completion, leads to:

(1) a certificate or a degree, or

(2) 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 industries and determined prior to training.

**Exiters:** All participants in the program who left during the reporting period, no matter what the reason and regardless of their start date.

**Reporting Period:** 12 recent calendar quarters.

**Successful Completers:** All exiters who successfully completed the program during the reporting period include:

- Those who have graduated with a degree or certificate from the program.
- For community and technical colleges and private institutions, students who have transferred to a 4-year institution, or students who have completed 45 vocational credits, with a C or above average and are employed.

**Minimum Data Requirement:** Records on 25 exiters from the applicable program or program category during the reporting period.

**Grouping Data:** For performance reporting, individual programs that do not meet the minimum data requirement will be grouped into categories based on similar job type and wage/earnings level using CIP codes. If a program does not meet the minimum data requirement and meets performance standards, but does not meet performance standards when grouped with similar programs, grouping will not be used.

Programs with at least 15 usable student records and for which 3 years of data have been reported must meet the performance requirements at the individual program level.

**3. Earnings level: "The wages at placement in employment of all individuals participating in the applicable program."**

**State definition: The quarterly earnings of all participants exited from the applicable program with earnings in unsubsidized employment in the third quarter after exit.**

**Calculation:** The median quarterly earnings of exiters from the applicable program during the reporting period with reported earnings in the third quarter after the quarter of exit.

**Definition of terms**

**Program:** One or more courses or classes, or a structured regimen, that upon completion, leads to:

(1) a certificate or a degree, or

(2) 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 industries and determined prior to training.

**Exiters:** All participants in the program who left during the reporting period, no matter what the reason and regardless of their start date.

**Reporting Period:** 12 recent calendar quarters.

**Successful Completers:** All exiters who successfully completed the program during the reporting period include:

- Those who have graduated with a degree or certificate from the program.
- For community and technical colleges and private institutions, students who have transferred to a 4-year institution, or students who have completed 45 vocational credits, with a C or above average and are employed.

**Minimum Data Requirement:** Records on 25 exiters from the applicable program or program category during the reporting period.

**Grouping Data:** For performance reporting, individual programs that do not meet the minimum data requirement will be grouped into categories based on similar job type and wage/earnings level using CIP codes. If a program does not meet the minimum data requirement and meets performance standards, but does not meet performance standards when grouped with similar programs, grouping will not be used.

Programs with at least 15 usable student records and for which 3 years of data have been reported must meet the performance requirements at the individual program level.

**B. Performance Measures only for individuals receiving assistance under the WIA Title I-B adult or dislocated worker program who are participating in the applicable program of training services. On-the-job training and customized training programs are exempt. These measures are not part of the performance criteria under the state's Training Benefits Program.**

**1. "The percentage of participants who have completed the applicable program and who are placed in unsubsidized employment." (WIA sec. 122)**

**State definition: The percentage of WIA-funded exiters from the applicable program who successfully completed the program and obtained unsubsidized employment.**

**Calculation:** The number of WIA-funded successful completers of the applicable program during the reporting period who obtained unsubsidized employment by the end of the first quarter after the quarter of exit divided by the number of WIA-funded exiters from the applicable program during the reporting period.

$$\frac{\text{\#WIA-funded successful completers with employment in the first quarter after the quarter of exit}}{\text{\#WIA-funded exiters from the applicable program during the reporting period}}$$

**Definition of terms**

**Program:** One or more courses or classes, or a structured regimen, that upon completion, leads to:

(1) a certificate or a degree, or

(2) 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 industries and determined prior to training.

For performance reporting, individual programs that do not meet the minimum data requirements will be grouped into categories based on similar job type and wage/earnings level using CIP codes.[5]

[5] See Appendix A for list of the program categories. Apprentice trade codes are translated into CIP codes for this purpose.

**WIA-funded Exiters:** All WIA-funded participants in the applicable program who left during the reporting period, no matter what the reason and regardless of their start date.[6]

**Reporting Period:** 12 recent calendar quarters.[7]

**WIA-funded Successful Completers**: All WIA-funded exiters who successfully completed the program during the reporting period include:

- Those who have graduated with a degree or certificate from the program.[8]
- In addition, for community and technical colleges and private institutions, students who have transferred to a 4-year institution, or who have completed 45 vocational credits[9] with a C average or better and who are employed.

**Unsubsidized Employment:** Any employment where the employee's wages are not directly paid in whole or in part by funds provided under WIA Title I-B. Employment in the military also is considered unsubsidized employment.

**Employed:** Reported employment found through unemployment insurance records in Washington and other states or through federal payroll records.[10]

**Minimum Data Requirement:** Records on 25 WIA-funded exiters from the applicable program/program category during the reporting period.

**2. "The retention rates in unsubsidized employment of participants who have completed the applicable program, 6 months after the first day of employment." (WIA sec. 122)**

**State definition: The percentage of WIA-funded successful completers of the applicable program in unsubsidized employment in the first quarter after exit who remain in unsubsidized employment in the third quarter after exit.**

**Calculation:** The number of WIA-funded successful completers of the applicable program during the reporting period with unsubsidized employment in the first quarter after exit and who remain employed in the third quarter after exit divided by the number of WIA-funded successful completers of the applicable program with employment in the first quarter after exit.

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[6] Exiters who are enrolled in education or training and not employed during the first quarter after exit will not be included in the calculation.

[7] The most recent 12 calendar quarters that allow for sufficient time for data analysis prior to eligibility determination.

[8] For community and technical colleges, these also include students whose exit status is Code 9 "earned a non-degree certificate award." For apprenticeships, these include those who the committees have designated as having completed their programs.

[9] For private institutions that do not use the same quarter credit system as the community and technical college system, the acceptable equivalent will be a year of vocational training.

[10] Supplemental records may also be used as described in Appendix B.

$$\frac{\text{\#WIA-funded successful completers employed in unsubsidized employment in the first and third quarters after exit}}{\text{\#WIA-funded successful completers of the applicable program with employment in the first quarter after exit}}$$

**Definition of terms**

**Program:** One or more courses or classes, or a structured regimen, that upon completion, leads to:

(1) a certificate or a degree, or

(2) 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 industries and determined prior to training.

For performance reporting, individual programs that do not meet the minimum data requirements will be grouped into categories based on similar job type and wage/earnings level using CIP codes.[11]

**WIA-funded Exiters:** All WIA-funded participants in the applicable program who left during the reporting period, no matter what the reason and regardless of their start date.[12]

**Reporting Period:** 12 recent calendar quarters.[13]

**WIA-funded Successful Completers:** All WIA-funded exiters who successfully completed the program during the reporting period include:

- Those who have graduated with a degree or certificate from the program.[14]
- In addition, for community and technical colleges and private institutions, students who have transferred to a 4-year institution, or completed 45 vocational credits[15] with a C average or better and who are employed.

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[11] See Appendix A for list of the program categories. Apprentice trade codes are translated into CIP codes for this purpose.

[12] Exiters who are enrolled in education or training and not employed during the third quarter after exit will not be included in the calculation.

[13] The most recent 12 calendar quarters that allow for sufficient time for data analysis prior to eligibility determination.

[14] For community and technical colleges, these also include students whose exit status is Code 9 "earned a non-degree certificate award." For apprenticeships, these include those who the committees have designated as having completed their programs.

[15] For private institutions that do not use the same quarter credit system as the community and technical college system, the acceptable equivalent will be a year of vocational training.

**Unsubsidized Employment:** Any employment where the employee's wages are not directly paid in whole or in part by funds provided under WIA Title I-B. Employment in the military also is considered unsubsidized employment.

**Employed:** Reported employment found through unemployment insurance records in Washington and other states or through federal payroll records.[16]

**Minimum Data Requirements:** Records on 25 WIA-funded successful completers of the applicable program/program category during the reporting period with employment during the first quarter after exit.

**3. "The wages received by participants who have completed the applicable program, 6 months after the first day of the employment involved." (WIA sec. 122)**

**State definition: Earnings in the second and third quarter after exit minus earnings in the second and third quarter prior to registration, or dislocation, among WIA-funded successful completers of the applicable program.**

**Calculation:**

**Adult Earnings Change:** Of WIA-funded successful completers of the applicable program during the reporting period with employment in first quarter after exit:

$$\frac{[\text{Total Post-Program Earnings (earnings in quarters 2 + 3 after exit)}]-[\text{Total Pre-Program Earnings (earnings in quarters 2 + 3 prior to registration)}]}{\text{\#WIA-funded successful completers of the applicable program with employment in first quarters after exit}}$$

**Dislocated Worker Earnings Replacement:** Of WIA-funded successful completers of the applicable program with employment in the first quarter after exit:

$$\frac{\text{Total Post-Program Earnings (earnings in quarters 2 + 3 after exit)}}{\text{Pre-Dislocation Earnings (earnings in quarters 2 + 3 prior to dislocation)}}$$

**Definition of terms**

**Program:** One or more courses or classes, or a structured regimen, that upon completion, leads to:

(1) a certificate or a degree, or

(2) 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 industries and determined prior to training.

[16] Supplemental records may also be used as described in Appendix B.

For performance reporting, individual programs that do not meet the minimum data requirements will be grouped into categories based on similar job type and wage/earnings level using CIP codes.[17]

**WIA-funded Exiters:** All WIA-funded participants in the applicable program who left during the reporting period, no matter what the reason and regardless of their start date.[18]
**Reporting Period:** 12 recent calendar quarters.[19]

**WIA-funded Successful Completers:** All WIA-funded exiters who successfully completed the program during the reporting period include:

- Those who have graduated with a degree or certificate from the program.[20]

- In addition, for community and technical colleges and private institutions, students who have transferred to a 4-year institution, or completed 45 vocational credits[21] with a C average or better who are employed.

**Unsubsidized Employment:** Any employment where the employee's wages are not directly paid in whole or in part by funds provided under WIA Title I-B. Employment in the military also is considered unsubsidized employment.

**Employed:** Reported employment found through unemployment insurance records in Washington and other states or through federal payroll records.[22]

**Minimum Data Requirements:** Records on 25 WIA-funded successful completers of the applicable program/program category during the reporting period with employment during the first quarter after exit.

## C. Minimum Data Requirements

In order for a performance measure to count toward eligibility determination, there must be data records on a minimum number of participants so the results are statistically valid. The minimum number of participant records is 25 during the reporting period (12 quarters). This minimum requirement pertains separately to each measure.

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[17] See Appendix A for list of the program categories. Apprentice trade codes are translated into CIP codes for this purpose.
[18] Exiters who are enrolled in education or training during the second or third quarter after exit will not be included in the calculation.
[19] The most recent 12 calendar quarters that allow for sufficient time for data analysis prior to eligibility determination.
[20] For community and technical colleges, these also include students whose exit status is Code 9 "earned a non-degree certificate award." For apprenticeships, these include those who the committees have designated as having completed their programs.
[21] For private institutions that do not use the same quarter credit system as the community and technical college system, the acceptable equivalent will be a year of vocational training.
[22] For programs with a large amount of self-employment, only administrative records from the related industry will be included in the calculation. For supplemental records see Appendix B.

If a particular program does not have the minimum N for a measure, then the determination for that measure will be based on the performance of all programs of the provider that are in the same program category[23] as the particular program in question. The determination will be made based on the program categories in Appendix A. If there is an insufficient number of records from the provider's programs in the category from the categories listed in A-1, then the determination will be based on the programs of the provider that are in the same program category based on the program categories in A-2.

If neither program category at the provider has the minimum N for determining eligibility based on the performance measure, then the measure will not be used to determine eligibility.

If there is insufficient data to determine eligibility based on the performance measures, a program that is initially eligible shall remain eligible, subject to the provider's application being accepted by the local WDC (see Part III).

As required under WIA, providers must submit performance data annually.

[23] See Appendix A for the list of program categories.

## Appendix A to Part II

### A-1 Program Categories

Accounting
Administrative Support
Agriculture, Forestry and Fisheries
Airframe/Power Plant
Associate Degree Nurse
Auto Diesel
Commercial & Graphics Art
Computer Maintenance Tech
Construction Trades
Cosmetology
Counseling
Culinary Arts
Dental Assisting
Dental Hygienist
Drafting
Early Childhood Ed
Electrical Equipment Repair
Electronics Technology
Engineering Technology
General Studies
Industrial Technology (except electronics tech)
Information Technology
Legal Assistant
Machinist
Managerial and Managerial Support
Marketing and Sales
Med Lab Tech/Histologic
Medical Assisting
Medical X-Ray
Nursing Assistant
Occupational Therapy
Other Health Services
Other Health Tech
Other Services: Health Related
Other Services: Health-Related
Other Services: Other
Other Technical
Paramedic EMT, Operating Tech
Pharmacy Assisting
Physical Therapy
Practical Nurse
Precision, Production, Crafts
Protective Services
Social Services
Teaching/Library Assistant
Transportation Operators
Veterinarian Assistant
Welding

## A-2 Program Categories

Information technology
Engineering, electronics, other technical occupations
Nursing
Machinist, welding, transportation operator
Other health technicians
Protective services and legal assistants
Accounting, and mid-management
Construction trades
Other technical and trade occupations
Auto and diesel mechanics
Other health services
Administrative support
Other services
Marketing and sales
Social, health, and education assistant
Counseling
General Studies

## Appendix B to Part II

## Supplemental Data

Under certain conditions a training provider may submit supplemental data to WTECB to be used to determine the eligibility of the provider's program(s). Supplemental data refers to data that is in addition to administrative records used by WTECB in calculating the performance measures.

### Employment

If a program of a training provider fails to meet the required performance level based on administrative records, then the provider may submit supplemental employment data to WTECB to measure employment for performance measures number 2, 4, or 5. Supplemental data may consist of either (1) individual employment records that meet the standards of the provider's accrediting agency; or (2) a copy of a W-2 form, pay stub, or Internal Revenue Service 1099 form that documents employment during the time period in the measure. As a supplemental measure of self-employment, a provider may submit survey responses that indicate an individual was self-employed during the time period in the measure. A Workforce Development Council may accept other types of supplemental data for individual participants at its discretion.

### Wages

If a training program fails to meet the required performance levels, the program may submit supplemental earnings data to WTECB for measures number 3 or 6 for former participants who are self-employed.

The supplemental data may consist of survey responses that indicate an individual's earnings from self-employment during the time period in the measure, or a copy of a tax form submitted either to the Washington State Department of Revenue or to the United States Internal Revenue Service that shows earnings from self-employment during the year in which the third quarter post-exit occurs. For purposes of the measure(s), the gross earnings reported for the year will be divided by four in order to approximate quarterly earnings. A Workforce Development Council may accept other types of supplemental data for individual participants at its discretion.

## Part III. Application, Data Submittal, Denials, and Appeal Processes

Part III covers:

A. Annual renewal guidelines for training programs that are already on Washington State's Eligible Training Provider (ETP) list.

B. Procedures for approving new applications for ETP eligibility from training providers.

C. Procedures for denying initial ETP eligibility, removing a training program from the list, and appeals.

### Section A. Annual renewal for training programs that are already on Washington State's ETP list.

Each year WTECB will collect participant data from all training programs on the state ETP list. The State Board for Community and Technical Colleges (SBCTC) will supply the participant data for Washington's public community colleges and technical colleges. The Department of Labor and Industry (L&I) will supply the data for Washington's registered apprenticeship programs. WTECB will directly contact all other training providers on the ETP list (private career schools, community-based organizations, others) to request the required participant data and to inform the school when the data is due to WTECB.

Renewal of eligibility for a training program requires the program to meet required levels of performance [WIA Sec.122(c)(6)(A)]. The data sources for identifying performance results are administrative records (e.g. participant records and unemployment insurance wage records). In some cases, WTECB will accept supplemental data from the training provider. See Parts I and II for the state polices on required performance levels, performance measures, minimum data requirements, and conditions when supplemental data may be accepted by WTECB.

WTECB will compare a training program's performance results (completion rates, employment rates, earnings) with state performance criteria to determine whether a training program meets state required performance levels. WTECB will inform the local Workforce Development Council (WDC) and the provider of its determinations. Some programs of training may not have the minimum data required for WTECB to conduct the state performance review. WTECB will inform the provider and WDC that the training program(s) will be given an "interim eligibility" status and remain on the state list until minimum data is available to conduct the state's performance review.

A training provider that is unwilling to supply WTECB with required and *available* participant data (or are unwilling to sign a statement of commitment to begin collecting and supplying the required participant data) will be informed that its program(s) of training will be removed from the state ETP list.

WIA Sec.122(c)(6)(B) allows WDCs to set higher levels of performance than the level required by the state. In addition, WIA Sec. 122(d)(2)(B) allows the WDC the option of requiring the training provider to submit other verifiable program-specific performance information to obtain subsequent year eligibility. A WDC adopting local standards that go beyond the state minimum criteria shall provide these local procedures to WTECB.

WDCs have the option of establishing a local area policy to accept supplemental individual participant data from a training provider with a program that did not meet state required performance levels. A WDC adopting such a local policy shall provide a copy of that policy to WTECB. Adopting such a policy requires the WDC to inform the training providers, with programs going off the list, that certain supplemental data on employment and/or earnings will be accepted by the WDC and the required due date for the receipt of the data. After reviewing supplemental information supplied by a provider, the WDC shall conclude that WIA Sec.122(d) performance requirements were either met or not met.

**Out of state schools:** After April 1, 2001, the WTECB will not accept new applications from training providers whose training facility is located out of state.

**Arranging out of state training:** It is the policy of the state to allow an eligible WIA Title I-B adult or dislocated worker to use an Individual Training Account (ITA) voucher to purchase training services offered by a provider on another state's ETP list. In arranging out-of-state ITA vouchers, a WorkSource Operator must follow WIA Sec.134(d)(4) requirements, Washington State WIA policies, and local Workforce Development Council ITA policies. The local policies may affect the terms of an individual training account plan and may be more restrictive concerning out-of-state ITAs. Washington will maintain its reciprocal ETP agreement with Oregon. After June 30, 2001, training programs located outside of Washington state may no longer be on Washington's ETP list.

**In support of the customer:** When a program of training is removed from the state ETP list, WIA registrants currently enrolled in the program with the support of an Individual Training Account may complete their training (as outlined in their WIA Individual Employment Plan).

**Sec. B. Procedures for approving new applications for ETP eligibility from training providers.**

The following procedures pertain to training providers already on the state ETP list applying to add a new program to the list and to other training providers requesting to have a program listed for the first time.

After June 30, 2001, a training provider who wishes to have one or more of its programs of training added to the state ETP list will submit an application to WTECB. A training provider may apply on-line by going to: www.wtb.wa.gov/etp. All applicants are required to download, sign, and return an assurances form to WTECB certifying that the school:

(a) is a legal entity, registered to do business in Washington State
(b) is eligible to receive Federal funds
(c) does not discriminate against nor deny employment or services to any person on the grounds of race, color, religion, sex, national origin, age, handicap, citizenship, political affiliation or belief

(d) complies with the 1990 Americans with Disabilities Act (ADA)
(e) has demonstrated effectiveness in operating occupational classroom training program(s) including provision of placement assistance
(f) agrees that provider facilities, classroom instruction, relevant financial records, and attendance records may be reviewed during the period of performance of any voucher by state, federal and/or local monitors or auditors to ensure compliance with funding requirements

As part of the ETP application process, training providers who are not community and technical colleges or apprenticeship programs must sign and return to WTECB a second portion of the assurances form, assuring that a school representative reviewed the data reporting requirements posted with application instructions at: www.wtb.wa.gov/etphtml and that the school agrees to provide WTECB required student records for each of the programs identified in the ETP application. Further, the school must agree to submit the student records no later than December 12, 2003. WTECB will not consider the school's ETP application to be complete until it receives the signed assurance form.

A WDC may request WTECB to add additional ETP application requirements for schools whose training facilities are located in the WDC's area. In such cases, the training provider, in the process of applying to the ETP on-line, is required to download the WDC instructions and submit the additional information to the appropriate WDC.

WTECB will not process an ETP application from a private vocational school if the school is not licensed and if licensing is required.

WTECB will use student data supplied by SBCTC, by L&I, and by private vocational schools and other eligible training providers to conduct a cross-match of administrative records (e.g., participant records and unemployment insurance wage records) to determine whether a program of training meets state required performance levels.

Until WTECB completes its annual program performance review, WTECB will inform the training provider that the training program meets the state's requirements for ETP **"interim eligibility"** status if:

a. the training provider's ETP application is complete, ETP assurances requirements are met, and other related state requirements are met; and
b. the program meets *initial* eligibility requirements.

*Initial* eligibility is met in either one of two ways:

1. *Initial* eligibility is automatically met if the training provider is:

- a public community or technical college or public four-year college or university
- a registered apprenticeship program
- a private vocational school licensed by WTECB or by the Department of Licensing, or approved by the Higher Education Coordinating Board
- an educational institution eligible to receive federal funds under Title IV of the Higher Education Act of 1965.

2. If a school does not fall in any of the training provider categories listed above, *initial* eligibility must be determined by the WDC in the area where the school facility is located. WTECB will notify the appropriate WDC when it has received an on-line application from a school in this "other" category. In these special cases, it is the responsibility of the WDC to determine if the training provider meets *initial* eligibility. Staff of the WDC must conduct a general review of the training provider's qualifications and notify WTECB of its conclusions. Examples of elements that the WDC may consider in its review include: financial stability, quality of instructions and administrators, quality of the facilities and training equipment, curriculum, cost, rate of participant certification for a trade, job placement rates, wages, and completion rates.

   In these special cases, WTECB will not process the training provider's ETP application until it receives a notice from the appropriate WDC reporting the WDC's decision as to whether the training provider meets *initial* eligibility.

**Sec. C. Procedures for denying initial ETP eligibility, removing a training program from the list, and appeals.**

1. **Denial of Program Eligibility for First-Time Listing on the State WIA Eligible Training Provider List**

   a. Reasons for Denial

      i. The WTECB, in coordination with the appropriate WDC, shall deny eligibility if an applicant fails to meet the minimum criteria for *initial* eligibility as specified in local WDC policy and Sec. B. of this policy.

      ii. The WDC shall deny ETP eligibility if the applicant intentionally supplied inaccurate information and shall deny ETP eligibility to a provider who has substantially violated any WIA requirements. Penalties are described in WIA Sec.122(f)(1) and (2).

      iii. After conferring with WTECB's Private Career School Licensing unit, WTECB, in consultation with the appropriate WDC, shall deny ETP eligibility to any private career school required by Washington state law to be licensed to operate in the state and which is not licensed.

   b. If the WTECB/WDC denies eligibility for first-time listing of a provider's program on the ETP list, the WTECB/WDC must, within 30 calendar days of this decision, inform the provider in writing and include the reason(s) for the denial and complete information on the appeal process. A copy of this notice must be sent to WTECB.

## 2. Removal of a Program from the State ETP List

a. Reasons for Removal

i. The WTECB, in consultation with the appropriate WDC, shall remove a program (or programs) from the ETP list if the provider fails to supply WTECB with available participant data required for the performance review within due dates established by WTECB. Training providers who are unwilling to supply required and available participant data shall be informed by WTECB that their program(s) of training will be removed from the state ETP list.

ii. The WTECB, in consultation with the appropriate WDC, shall remove a program if it is determined that the applicant intentionally supplied inaccurate information and shall deny ETP eligibility to a provider who has substantially violated any WIA requirements.

iii. If state or local required performance levels are not met, the program shall be removed.

WDCs have the option of establishing a local area policy to accept supplemental individual participant data from a training provider with a program that did not meet state required performance levels. Adopting such an option requires the WDC to inform an affected training provider that certain supplemental data on employment and earnings will be accepted by the WDC and the required due date for the receipt of the data. After reviewing supplemental information supplied by the school, the WDC shall conclude that WIA Sec.122(d) performance requirements were either met or not met.

At the point when WTECB, in consultation with the appropriate WDC, determines that a program will be removed from the ETP list, WTECB shall, within 30 calendar days of this decision, inform the provider in writing and include the reason(s) for the removal and complete information on the appeals process. The WTECB must send a copy of this notice to the appropriate WDC.

The WTECB shall remove a program that was determined to be no longer eligible no earlier than the 31st calendar day from the issuance of the denial notice (see Section C.3.a. below). If a training provider chooses to appeal, a training program that is subject to removal shall remain on the state ETP list until the appeal is concluded.

## 3. Procedures for Appeals to a WDC [WIA Sec. 122(g)]

a. Each WDC must have a written appeal policy that includes the following required provisions:

i. A provider wishing to appeal a decision by a WDC must submit a written appeal to the WDC within 30 calendar days of the issuance of the denial notice. The appeal must include a statement of the desire to appeal, specification of the program in question, the reason for the appeal and the signature of the training provider.

Note: If the appeal is limited solely to the issue of a program of training not meeting state required performance levels, and if the WDC does not have an established policy accepting supplemental participant data, the WDC may choose to expedite the appeal process by authorizing WTECB to have the school appeal directly to WTECB, otherwise the school will be instructed to send their letter of appeal to the WDC in the area where their school is physically located with a copy to WTECB. The WDC may refer the appeal on to the WTECB as appropriate.

ii. The first step in any WDC appeal process should be an informal meeting between the WDC staff and the appealing provider. This meeting is an opportunity for the WDC to explain to the training provider why a training program is not eligible to be on the WIA ETP list. The WDC may use this meeting to invite the training provider to supply supplemental participant data (if WDC policies allow supplemental participant data).

iii. The WDC procedures must include the opportunity for an appealing provider to have a hearing before a hearing committee. Guidelines for how a hearing committee is structured must be described in the WDC's appeal policy. The committee shall provide written notice to the concerned parties of the date, time, and place of the hearing at least ten calendar days before the scheduled hearing. Both parties shall have the opportunity to request documents relevant to the issue(s). Supplemental participant data may be presented by the training provider if the WDC accepts supplemental participant data.

iv. A WDC must notify the provider of its final decision on an appeal within 90 calendar days of receipt of the appeal. This period includes a hearing if requested by the provider. In addition, the WDC must notify WTECB of its decision. The WDC's written notification of its final decision must state that the provider has the right to request an appeal to WTECB.

**4. Procedures for Appeals to WTECB [WIA Sec.122(g)]**

a. This procedure applies: (1) to a provider whose appeal was directly referred to WTECB by the WDC; and (2) to a provider who has exhausted the appeal process of a WDC and is dissatisfied with the WDC's final decision.

i. A provider wishing to appeal to WTECB must submit a written appeal request to WTECB within 30 calendar days of the issuance of the denial notice by WTECB, or in cases where the denial originated with the WDC, within 30 calendar days of the issuance by the WDC of its final decision on an appeal. The request for appeal must be in writing and include a statement of the desire to appeal, specification of the program in question, the reason for the appeal and the signature of the appropriate provider official.

ii. WTECB must conduct a review within 30 calendar days from the date of receipt of the review request. WTECB will determine: (1) whether the WDC followed its appeal procedure; and (2) whether the WDC's decision was reasonable, fair, and in keeping with the intent of WIA. In appeal cases where the training program met state required performance levels but did not meet the WDC's

performance standards, WTECB will establish whether the WDC correctly followed its local performance procedures including, where applicable, its procedures for reviewing and accepting supplemental data provided by the appealing training provider. In an appeal challenging WTECB's process for determining state required performance levels, WTECB will review whether it followed consistent procedures when applying its standards. The decision rendered by WTECB, on behalf of the Governor, shall be final.

**GOVERNOR'S PROCEDURE FOR DETERMINING ELIGIBLE TRAINING PROVIDERS**

**POLICY # 3635**

**REFERENCES:**

PL 105-220 Section 122
20 CFR Part 652 et. al - 663 Subpart E (663.500 through 663.590)
20 CFR Part 652 et. al - pages 49334 through 49342

**WEBSITE**: PY 2003 ETP Policy: www.wtb.wa.gov/etp.pdf
ETP list: www.wtb.wa.gov/etp

Also located at the Washington State WIA Title I-B Policy web address:
http://www.wa.gov/esd/policies/title1b.htm

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