

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA
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ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 41-14 OPERATING GUIDANCE for the WORKFORCE INNOVATION AND OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition

- Purpose.** In accordance with WIOA sec. 122, this guidance 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.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973.

The Departments of Labor and Education published a set of regulations for implementing WIOA through the posting of five Notice of Proposed Rulemaking (NPRMs) documents. These NPRMs were open for public comment until June 15, 2015, and several hundred comments were received by both Departments. The Federal agencies will review, analyze and consider the comments received. The Final WIOA rules will be issued in 2016.

In order to continue implementation prior to the final rule, a series of WIOA Operating Guidance documents are being issued in the form of Training and Employment Guidance Letters (TEGLs). These Operating Guidance documents on WIOA will inform the workforce system on how to begin the important planning and organizational work necessary to comply with the WIOA statutory requirements. The Operating Guidance TEGLs will

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provide a framework for program activities until the regulations are finalized. This TEGl is one in a series of WIOA Operating Guidance.

2. **References.** See Attachment I.
3. **Background.** Under both WIA title I and WIOA title I-B, participants in need of training services to enhance their job readiness or career pathway may access career training through a list of state-approved training providers and their state-approved training programs. Participants can select from the list of eligible training provider (ETP) programs that meet their needs. WIOA title I-B builds upon and modifies the system in place under WIA title I. This guidance highlights and clarifies those changes to assist State and Local Workforce Development Boards in adjusting their processes to comply with WIOA requirements.

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, including Registered Apprenticeship programs and others, is vital to achieving these core principles. As required by WIOA sec. 122, States, in partnership with Local Boards, must identify eligible training providers that are qualified to receive WIOA title I-B funds to train adults and dislocated workers, including those with disabilities. Therefore, WIOA requires that each State must maintain a list of eligible training providers and their eligible training programs. 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. Governors and boards are required to implement the ETP provisions of WIOA by July 22, 2015 (not later than 12 months after the enactment of WIOA).

The State plays a leadership role in ensuring the success of the eligible training provider system in partnership with Local Boards, the one-stop system, and its partners. The approved list of eligible training providers should serve as an important tool for participants seeking training to identify appropriate providers, and relevant information such as cost and program outcomes. Using the list of eligible training providers, case managers in one-stop career centers can assist participants in identifying training and training providers in high demand industries that result in positive outcomes and recognized credentials.

This operating guidance addresses the requirements for the provisions that go into effect in the first year implementation of the WIOA. States should be aware of future requirements, such as performance reporting, beyond the first year of implementation that will be addressed in separate guidance in the future.

4. **Eligible providers of training services.** 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, except as discussed in Section 5 of this TEGl.

Eligible training providers include:

- Post-secondary education institutions;
- Registered Apprenticeship programs;
- Other public or private providers of training, 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;
- Local Boards, if they meet the conditions of WIOA sec. 107(g)(1); and
- Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness that provide training under contract with the Local Board.

Eligible training providers are subject to the equal opportunity and nondiscrimination requirements contained in Section 188 of WIOA. The types of eligible training providers for WIOA are substantively the same as those under WIA. However, under WIOA, Registered Apprenticeship programs must be included and maintained on the list for as long as the program remains registered under the National Apprenticeship Act. Section 8 of this guidance further discusses inclusion of Registered Apprenticeships as eligible providers.

5. **Eligible programs of training services.** A program of training services is defined as one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward such a credential or employment. These training services could be delivered in person, on-line, or in a blended approach. The types of eligible training services under WIOA title I-B are similar to those approved under WIA title I with expanded options for incumbent workers, and the use of Local Board contracts for training services.

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.

For training programs exempted from the training provider eligibility requirements, the Governor may require one-stop operators in a local area to collect performance information and determine whether the providers meet the Governor's performance criteria. Providers that meet the criteria are considered eligible providers of training services.

6. **Procedure for establishing training provider eligibility.** Generally, the Governor, in consultation with the State Board, must develop procedures for determining provider eligibility. Procedures must be in place by July 22, 2015 to determine the initial eligibility of "new" training provider programs that were not eligible under WIA title I. These procedures do not apply to Registered Apprenticeship programs, which are discussed below in section 8 of this TEGL.

The requirements to become an eligible provider of training services apply to all organizations providing WIOA title I-B- funded training to adults and dislocated workers, with the specific exception of Registered Apprenticeship programs. For Registered Apprenticeship programs, WIOA makes a change from WIA in that Registered Apprenticeship programs must be included and maintained on the list of eligible training providers for as long as the program remains registered. The Governor, in consultation with the State Board, must establish procedures for determining the initial eligibility of new providers, procedures for reviewing and renewing eligibility for all providers at least every two years, and procedures for transitioning existing WIA providers to WIOA.

- a. **Initial eligibility for new providers under WIOA title I-B.** States must implement the initial eligibility procedures under WIOA by July 22, 2015. For all programs that have not previously been eligible, except for Registered Apprenticeship programs, providers must submit required information for the programs to be considered for initial eligibility in accordance with the Governor's procedures. Programs that become eligible under these procedures receive initial eligibility for only one year. In establishing the initial eligibility procedures and criteria, the Governor may establish minimum performance standards, and the Department encourages Governors to do so.

The Governor must require providers seeking initial eligibility under WIOA title I-B to provide verifiable program specific performance information. The State's initial eligibility criteria must require applicant providers to, at a minimum:

- Describe each program of training services to be offered;
- Provide information addressing a factor related to the indicators of performance, as described in WIOA sec. 116(b)(2)(A)(i)(I)-(IV), which include: unsubsidized employment during the second quarter after exit, unsubsidized employment during the fourth quarter after exit, median earnings, and credentials attainment;
- Provide information concerning whether the provider is in a partnership with business. This could include information about the quality and quantity of employer partnerships;
- Provide other information the Governor may require in order to demonstrate high quality training services, including a program of training services that leads to a recognized post-secondary credential; and,

- Provide information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible.

b. Continued eligibility application procedure. The State must establish an application procedure for training providers to maintain their eligibility and the eligibility of their programs. Continued eligibility requirements apply to training providers transitioning to WIOA title I-B who were previously eligible under WIA title I and newly eligible training providers that were determined to be initially-eligible under WIOA title I-B. Providers previously eligible under WIA title I will be subject to the application procedure for continued eligibility at the end of the transition period which may extend up to December 31, 2015, or an earlier date as determined by the Governor. The Governor's procedure for continued eligibility must be implemented in a timely way so that provider eligibility is established by the end of the transition period for these providers. Newly eligible training providers that were determined to be initially-eligible under WIOA title I-B will be subject to the application procedure for continued eligibility before their initial year of eligibility expires. The continued eligibility procedure should be implemented in a timely way so that continued provider eligibility is established by the end of their initial year of eligibility. All providers are subject to review and renewal of their eligibility at least every two years, according to the Governor's procedure. The Governor's application procedure for continued eligibility must be described in the State Plan, and outline the roles of the State and local areas in receiving and reviewing provider applications, and in making eligibility determinations.

In establishing criteria for continued eligibility, the Governor must take into account the following factors:

- The performance of providers of training services on the performance accountability measures described in WIOA sec. 116(b)(2)(A)(i)(I)-(IV). The Governor may establish minimum performance standards, and the Department encourages Governors to do so. Until the performance data for each accountability measure is available, the Governor may take into account alternate factors related to performance for that accountability measure. In considering alternate factors related to performance the Governor may set minimal performance criteria, use existing available data, or develop other proxies as appropriate. Once training providers have two years of performance outcomes using the WIOA performance indicators specified in section 116, Governors will be expected to take them into account;
- Access to training services throughout the State including rural areas and through the use of technology;
- Information reported to State agencies on Federal and State training programs other than programs within WIOA title I-B, including one-stop partner programs;
- The degree to which training programs relate to in-demand industry sectors and occupations in the State;
- State licensure requirements of training providers, and licensing status of providers of training services, if applicable;
- The provider's ability to offer industry-recognized certificates and/or credentials;
- The ability of providers to offer programs that lead to post-secondary credentials;

- The quality of the program of training services including a program that leads to a recognized post-secondary credential;
- The ability of the providers to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;
- The timeliness and accuracy of the eligible training provider's performance reports; and,
- 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. States are responsible for ensuring the quality and value of eligible training providers for WIOA program participants. Examples of additional factors that the Governor may consider include: the ability of a provider to partner with employers and to provide job placement services; the dropout rate of the training provider, and the student loan default rate of the provider.

c. Transition opportunities for currently eligible WIA training providers. Providers previously eligible under WIA title I may remain eligible through a transition period, which may extend to December 31, 2015, or to an earlier date as determined by the Governor. These existing WIA providers are not subject to the initial eligibility procedures but are subject to the continued eligibility procedures under WIOA title I-B. The Governor's procedure for continued eligibility must be implemented in a timely way so that provider eligibility is established by the end of the transition period for these existing WIA providers. These procedures do not apply to Registered Apprenticeship programs, which are discussed below in section 8 of this TEGL.

7. Role of State and Local Areas in Developing and Disseminating the List of Eligible Training Providers.

- a. The Role of the State:** The Governor must establish eligibility criteria and procedures for initial determination and renewals of eligibility for training providers and training programs to receive funds under WIOA title I-B. In doing so, the Governor may establish minimum performance levels for eligibility and the Department encourages Governors to do so. The Department anticipates that most States will work through a designated State agency or appropriate State entity to administer the ETPL requirements. The Governor or State agency has explicit responsibility for managing and disseminating the approved list of eligible training providers. The State must perform the following required roles:
- Establishing eligibility procedures and clarifying State and Local Board roles and responsibilities;
 - Establishing a mechanism for adding Registered Apprenticeship programs to the list and verifying registered status at least every two years;
 - Consulting with the State Board when establishing these procedures;
 - Providing an opportunity for interested members of the public to make recommendations and submit comments regarding the eligibility procedure including Local Boards;

- Determining whether the provider submitted accurate information, and take enforcement actions as needed;
- Disseminating the list to the Local Boards, the one-stop system, its partner programs, and the public;
- Determining if state-established minimum performance levels for eligibility are met;
- Removing programs that do not meet State-established program criteria or performance levels for eligibility; and,
- Establishing an appeals procedure for providers to appeal a denial of eligibility under this section.

b. Role of Local Boards. The Local Boards have statutorily required responsibilities related to eligible training providers, roles that the Governor may assign the Local Board, and additional options for their local area.

- Local Boards must 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; and
 - The State’s eligible training provider list is disseminated publicly through the local one-stop system, and its partner programs;
- The Governor may also assign specific responsibility to Local Boards such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible provider due to the provider’s submission of inaccurate eligibility and performance information or the provider’s substantial violation of WIOA; and
- The Local Board may set additional eligibility criteria, information requirements, and minimum performance levels for local providers beyond what is required by the Governor’s procedure. Local Boards may also provide comment and input into the Governor’s development of the eligible provider procedure through the public comment process. Any additional requirements established by the Local Board will only affect a program’s eligibility and performance level eligibility requirements within the local area.

8. Registered Apprenticeship. This section describes how States may integrate Registered Apprenticeship programs onto the list of eligible training providers. Pre-apprenticeship programs do not have the same automatic ETP status under WIOA title I-B as do Registered Apprenticeship programs. Information on the Registered Apprenticeship program is found at <http://www.dol.gov/apprenticeship/>.

a. Registered Apprenticeship Requirements for ETP Status. Under WIOA title I-B, Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list.

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).

- b. Registered Apprenticeship program sponsors.** All Registered Apprenticeship programs are eligible to be included on the State list of eligible training providers. Registered Apprenticeship can take many forms and the sponsors are diverse, including:
- **Employers who provide related instruction.** A number of employers with Registered Apprenticeship programs provide formal in-house instruction as well as on-the-job training at the work site.
 - **Employers who use an outside educational provider.** Under this model Registered Apprenticeship program sponsors do not provide the related instruction or educational portion of the apprenticeship, but rely upon an outside educational entity to deliver instruction. Employers can use two- or four-year post-secondary institutions, technical training schools, eligible providers of adult education and literacy activities under title II, or on-line courses for related instruction. The employer is the ETP and must identify their instructional provider as defined locally.
 - **Joint Apprenticeship Training Programs.** These programs are made up of employers and unions. They have an apprenticeship training school where the instructional portion of the Registered Apprenticeship program is delivered. The training schools are usually administered by the union.
 - **Intermediaries.** Intermediaries can serve as program sponsors when they take responsibility for the administration of the apprenticeship program. They can also provide expertise such as curriculum development, classroom instruction and supportive services, as appropriate. The intermediary is the ETP and must identify the instructional provider if an outside organization is providing the educational portion of the apprenticeship. Intermediaries include:
 - Educational institutions including two- and four-year post-secondary institutions, technical schools, or eligible providers of adult education and literacy activities under title II. In this model the educational institution administers the program, works with employers to hire apprentices and provides classroom or on-line instruction for the apprenticeship program;
 - Industry associations administer the program and work with employer/members and educational entities to implement the apprenticeship program; and,
 - Community based organizations administer the program and work with employers, educational entities and the community to implement the apprenticeship program.
- c. Adding Registered Apprenticeship programs to the State list of Eligible Training Providers.** Registered Apprenticeship program sponsors must indicate their interest in being an ETP according to procedures established by the Governor. The Governor must work with the federal Office of Apprenticeship (OA) state director, or if the State

oversees the apprenticeship system, with the SAA to develop a mechanism to contact all Registered Apprenticeship programs within the State in order to allow them to indicate interest (Federal OA and SAA state contact information is at <http://www.doleta.gov/oa/contactlist.cfm>).

When developing the procedures, the State must consider that new Registered Apprenticeship programs are constantly added to the federal and SAA databases and may want to become ETPs. Therefore, data collection on new Registered Apprenticeship programs should be conducted on a timely basis (quarterly or bi-annually). All Registered Apprenticeship programs should be required to include the following information for the State:

1. Occupations included within the Registered Apprenticeship program;
2. The name and address of the Registered Apprenticeship program sponsor;
3. The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
4. The method and length of instruction; and,
5. 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.

d. Verifying Registered Apprenticeship Program ETP Status.

The Governor is required to develop a procedure to verify the status of Registered Apprenticeship programs as part of the State's review of the State list of eligible training providers at least every two years. The State will need to work with the federal OA or the SAA to obtain a list of all Registered Apprenticeship programs that are either voluntarily or involuntarily deregistered. This process can be part of the procedures outlined in Section 8c of this Guidance.

9. Required Provider Information. All eligible training providers must submit accurate and timely performance data and cost information at least every two years, according to procedures established by the Governor. While the statute requires providers to supply information at least every two years, States may update the information in the State list more frequently, so that participants considering training have the most current information. The Governor must take this information into account when establishing continued eligibility and as part of the State's biennial review and renewal of eligibility for a particular provider.

- a. The program-specific performance information submitted to the State must include the following information, disaggregated by the local area being served, as applicable:
 - Performance outcome information for the indicators described in WIOA sec. 116(b)(2)(I-IV) ;
 - Information identifying the recognized post-secondary credentials received by WIOA participants;

- Program cost information, including tuition and fees, for WIOA participants in the program, and;
 - Information on the program completion rate for WIOA participants.
- b. The Governor may require any additional performance information that the Governor determines to be appropriate to determine and maintain eligibility.
- c. Governors must establish a procedure by which a provider can demonstrate that providing information required under this section would be unduly burdensome or costly. If the Governor determines that providers have demonstrated such extraordinary costs or undue burden:
- The Governor must provide access to cost-effective methods for the collection of the information;
 - The Governor may provide additional resources to assist providers in the collection of the information from funds for statewide workforce investment activities reserved under WIOA secs. 128(a) and 133(a)(1); or
 - The Governor may take other steps to assist training providers in collecting and supplying required information such as offering technical assistance.
- d. In addition to the information requirements for development of the list of eligible training providers, which are described above, WIOA sec. 116(d) requires providers to submit performance information for the State's Eligible Training Provider Performance Reports, which are disseminated publicly similarly to the list of eligible training providers. ETA will issue separate guidance addressing the requirements for State Eligible Training Provider Performance Reports.

10. Dissemination of the State list of eligible training providers. WIOA requires that the Governor or State agency 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 means the State uses to disseminate information to consumers, including the one-stop delivery system and its program partners throughout the State. The Employment and Training Administration will continue to maintain lists of Eligible Training Providers on CareerOneStop.Org, and Workforce Agencies are encouraged to also make this information available on state websites through a web service or other application programming interface (API).

- a. **Ease of use and accessibility.** Because the purpose of the list of eligible training providers is to support participants seeking training in making informed choices regarding providers that meet their needs, the list should be made easily available to partners, stakeholders, and those participants interested in training. It should also be presented in a format that is searchable, user friendly, facilitates comparisons, accessible to individuals with disabilities, and easily understood by individuals seeking information on training outcomes, as well as participants in employment and training activities funded under WIOA, and other programs.

- b. Accompanying information.** The State eligible training provider list must be accompanied by appropriate information to assist participants in choosing employment and training activities. Such information must include the following, disaggregated by local areas served, as applicable:
- Recognized post-secondary credential(s) offered;
 - Provider information supplied to meet the Governor’s eligibility procedure;
 - Performance and cost information aligned with the time periods; and,
 - Additional information as the Governor determines appropriate, such as the number of units (for example, credits, hours or semesters) needed to earn the credentials offered.
- c. Privacy Considerations.** Accompanying information must not reveal personally identifiable information about an individual participant. In addition, disclosure of personally identifiable information from an education record must be carried out in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) including the circumstances relating to prior written consent.
- d. Additional Local Board information.** Local Boards may supplement the criteria and information requirements established by the Governor in order to support informed consumer choice and the achievement of local performance measures. These additional informational requirements may include:
- Information on programs of training services that are linked to occupations in demand in the local area;
 - Performance and cost information, including program-specific performance and cost information, for the local outlet(s) of multi-site eligible providers;
 - Information that shows how programs are responsive to local requirements; and,
 - Other appropriate information related to the objectives of WIOA such as participant satisfaction or other LWIB determined factors.
- e. Eligible training provider exceptions.** 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 ETP requirements discussed in Section 6. 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.
- f. Eligible training providers outside the Local Area or State.** An individual may choose a training provider located outside the local area, and, in some instances, in other States. States may enter into reciprocity agreements with other States under which providers of training services are allowed to accept individual training accounts provided by another State. 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. The option to enter into reciprocity agreements diminishes the burden on States and providers of training services to be subject to duplicative procedures and is allowable under WIOA sec. 122(g). This provision also expands the array of training options available for individuals seeking training.

- g. Dissemination of Registered Apprenticeship program providers.** The Governor is responsible for disseminating information on Registered Apprenticeship Program ETPs to Local Boards. This includes updating new Registered Apprenticeship Program ETPs, removing programs that no longer want to remain on the list, and eliminating deregistered programs. The Governor is authorized to designate a State agency to carry out this requirement. The Department urges the State agency to work directly with the federal Office of Apprenticeship state director or if the State oversees the apprenticeship system, the SAA, to obtain the information.

11. Deeming Providers Ineligible. A training provider must deliver results and provide accurate information in order to retain its status as an eligible training provider under WIOA title I-B. The State may revoke a provider's eligibility and remove the provider from the list of approved providers for false reporting, for substantially violating a provision of title I of WIOA or its implementing regulations, or for failure to meet required performance outcomes (if established). Eligible training providers are subject to the equal opportunity and nondiscrimination requirements under WIOA Section 188. The State must establish procedures for removing a provider from the list. Such procedures must also identify which entity is responsible for revoking a provider's eligibility (Local Board or State Agency). Revocation must be for a period not less than two years. A provider who has been removed from the list of eligible training providers is liable to repay all adult and dislocated worker training funds received during the period of noncompliance. States and Local Areas should work together to ensure that any participants currently enrolled in that training program experience minimal disruption.

- a. WIOA requires a biennial review of providers on the State list.** This document provides supporting guidance for the implementation of the ETP provisions prior to the release of WIOA regulations. However, states should be aware that a review of provider eligibility is required under WIOA title I-B at least every two years and providers failing to meet performance, reporting, or other requirements may be removed from the list as a result of that review. Additional detail will be provided in future guidance.
- b. Appeals process for providers removed from the State or Local list.** Providers removed from the statewide list of eligible training providers, or from a particular local area list of eligible training providers, must be afforded the opportunity to appeal the removal. Therefore, the Governor must establish an appeals procedure for providers of training to appeal a denial of eligibility. The procedure must explain the appeals process for denial or termination of eligibility of a provider of training services. Likewise, Local Boards must establish an appeals procedure for providers of training to appeal a denial of eligibility from the local list of eligible training providers which explains the appeals process for denial or termination of eligibility of a provider of training services.

- 12. Training Providers Serving Participants in the Trade Adjustment Assistance Program (TAA).** 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.
- 13. Action Requested.** States must proceed with the actions outlined in this guidance.
- 14. Inquiries.** Questions regarding this guidance should be directed to the appropriate ETA regional office.
- 15. Attachment(s).**
Attachment I: References
Attachment II: Eligible Training Provider “Quick Reference Guide”