

MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY
State Policy Number 9
ELIGIBLE TRAINING PROVIDER CERTIFICATION
Workforce Innovation and Opportunity Act (WIOA)

I. SCOPE AND PURPOSE:

This Policy sets forth the State's requirements for application to and inclusion on the Mississippi Eligible Training Provider List (ETPL) website @ www.etpl.mdes.ms.gov, and prescribes how the State and the Local Workforce Development Areas (LWDA) should compile and maintain the list. The Mississippi Eligible Training Provider Certification Policy will operate under a set of guiding principles as adopted by the State Workforce Development Board. This set of guiding principles for the training procedures is as follows:

- A. The Local Workforce Development Board is responsible for determining the eligibility and suitability of training providers and to monitor their effectiveness.
- B. The policies and procedures established by each Local Board must meet the minimum requirements of the guidelines set by the State. Local Boards may adopt more restrictive policies.
- C. Each Local Board will provide training only in demand occupations.
- D. The Labor Market Information Division (LMI) of the Mississippi Department of Employment Security (MDES) will establish a list of demand occupations for the State. LMI data can be found @ <http://www.mdes.ms.gov/information-center/labor-market-information/>. Each Local Board will establish and maintain a list of local demand occupations in response to local labor market needs.
- E. The determination of initial and subsequent eligibility for training providers will include these minimum criteria:
 - 1. The training provider will be bonded, registered by the applicable state agency, and licensed to do business in Mississippi. Registered Apprenticeship sponsors must be registered with the Office of Apprenticeship with the U.S. Department of Labor (DOL).
 - 2. The training provider will have a two-year history of providing the training program. Exceptions may be made by the Local Workforce Development Board. WIOA law exempts Registered Apprenticeship sponsors from meeting this requirement.
 - 3. WIOA-supported trainees shall make up no more than 75% of each class/course's total enrollment, on an annualized basis.
 - 4. The provider will provide performance and cost information in the application according to a prescribed format.
 - 5. The duration of WIOA-supported training will be for no more than two years unless the merits of the course require otherwise or unless deemed justifiable by the Local Workforce Development Board.

6. The WIOA funds awarded to a participant and used to assist in the payment of training costs will not exceed \$6,000 annually unless approved for a greater amount by Local Boards.
- F. Eligible Training Providers who choose to seek continued eligibility of existing training course(s) during the annual open enrollment and recertification period beginning April 1 of each year and ending at midnight April 15 of each year will be monitored annually.
- G. If there is a shortage of training funds, the Local Board should have a set of priorities for referring individuals to training. These priorities should include the current income of the individual, the potential for the training to lead to a permanent job that significantly increases the individual's income, and any other criteria that the Local Board establishes.
- H. There is no inherent guarantee or entitlement to any individual that training will be provided.

II. REQUIREMENTS

A. Background

The Workforce Innovation and Opportunity Act (WIOA) emphasizes informed customer choice, system performance, and continuous improvement. The Local Workforce Development Boards (LWDBs), in partnership with the State, will identify training providers whose performance qualifies them to receive WIOA Title-I funds to train adults and dislocated workers. WIOA section 122 requires the Governor to establish a policy for determining eligible training service providers. The WIOA also mandates that LWDBs, in conjunction with the State, develop and disseminate an eligible training service provider list that allows customers to make an informed decision in selecting a training provider. The State's Open Enrollment and Continued Eligibility period is April 1 -15 of each year. All new and recertified training courses will be uploaded to the online system and made available for public access prior to January 1 of the following year. This list is made available through the State's online system referred to as the Eligible Training Provider List system (ETPL) which can be accessed @ www.etpl.mdes.ms.gov. The WIOA describes three levels of eligibility for training entities: automatic, "other," and continued. The Mississippi Eligible Training Provider Certification Policy addresses:

1. Initial eligibility procedures for training service providers.
2. Procedures for use by the LWDBs to determine the continued eligibility of a provider to receive Title-I funds available under WIOA section 134 (b) for the provision of training services.
3. Procedures for providers of training services to appeal the following:
 - a. A denial of eligibility by the LWDB or the designated State agency under

subsection (b), (c) or (d) of WIOA section 122.

- b. A termination of eligibility or other action by the LWDB or the designated State agency under subsection (f) of WIOA section 122.

B. Identification of Eligible Providers of Training Programs

1. Eligible providers of training programs shall be:

- a. Postsecondary educational institutions that:
 - 1) are eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and
 - 2) provide a program that leads to an associate degree, baccalaureate degree, or certificate; **OR**
- b. Entities that carry out programs under the Act commonly known as the National Apprenticeship Act; **OR**
- c. Other licensed public or private providers of training programs, including faith-based and non-profit providers. Other public or private providers are defined as follows:
 - 1) Public or private providers of training programs who are **not**:
 - a) Postsecondary education institutions eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that provide a program leading to an associate degree, baccalaureate degree or certificate; **OR**
 - b) Entities that carry out programs under the Act commonly know as the National Apprenticeship Act;

- OR -

- 2. Postsecondary educational institutions that seek to receive WIOA funding for a program that does not lead to an associate degree, baccalaureate degree or certificate;

- OR -

- 3. Providers that carry out programs under the Act commonly known as the National Apprenticeship Act that seeks to receive funding for a program not covered by the National Apprenticeship Act.

2. A training program is defined as:

- a. One or more courses or classes that prepare an individual for entry into employment or enable an individual to continue in current employment, and upon successful completion lead to:
 - 1) A certificate, an associate degree, or baccalaureate degree, **OR**
 - 2) A competency or skill recognized by employers;

- OR -

- b. A training regimen that provides individuals with additional skills or competencies generally recognized by employers.
3. Training programs should be directly linked to in demand occupations in the local area as determined by the LWDB. The Local Boards will direct the use of the State's automated Eligible Training Provider List (ETPL) system to assist in determining provider eligibility and to provide guidance to the ITA staff responsible for student placement. The State updates the ETPL system annually with WIOA approved eligible training providers and their respective programs of study.
4. A training program must be occupational skills training for employment. Therefore, programs of basic and literacy skills such as Adult Basic Education (ABE), General Educational Development (GED), workshops, single class offering that do not qualify an individual for an occupation, and pre-employment skills training are to be offered as intensive services and are **NOT** to be included on the State's Eligible Provider List.
5. All training programs must provide the successful completer with an occupational skills, industry-recognized credential and/or a certificate or certification.

C. Exceptions to the Mississippi Eligible Training Provider Certification System

1. On-the Job Training and Customized Training
 - Providers of on-the-job training (OJT) and customized training are not subject to the Mississippi Eligible Training Provider Certification System.
2. Eligible Youth Activities Providers
 - Providers of youth activities and services are not subject to the State's Training Service Provider Certification System or its policies.
3. Basic and Literacy Skills Providers
 - As noted above in **B.4**, programs of basic and literacy skills such as Adult Basic Education (ABE), General Educational Development (GED), and pre-employment skills training are to be offered as intensive services and are not to be included on the Eligible Provider List and are not subject to the Mississippi Training Service Provider Certification System or its policies.

III. INITIAL ELIGIBILITY DETERMINATION POLICY

A. Initial Eligibility Application Process

1. The Initial Application Process for Training Service Providers is automated in the State's ETPL system and is a two-part process. The first application, also known as the registration process, is to provide to the LWDBs and the State a service provider profile, contact and user information, location(s) of training, and all necessary documentation required to show proof of registration, bonding, etcetera, and is required of:
 - a. Postsecondary educational institutions that:
 - 1) are eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); **AND**
 - 2) provide a program leading to an associate degree, baccalaureate degree, or certificate;
 - OR -
 - b. Entities that carry out programs under the Act commonly known as the National Apprenticeship Act:
 - AND -
 - c. All Training Service Providers that are other public and private providers of a training program:
2. The State has developed the following registration procedure for use by the State ETPL Administrators and LWDBs in determining the eligibility for all Training Service Providers of training services as described in WIOA section 134(a). The registration application is an automated, on-line form and is located in the State's ETPL system at
<https://etpl.mdes.ms.gov/MaintNewProviderRequest.aspx?usrAction=Add>

Maintain New Provider Requests for Access Code - Windows Internet Explorer

https://mde.ms.gov/portal/newProviderRequest.aspx?tabAction=430

File Edit View Favorites Tools Help

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Favorites Maintain New Provider Requests for Access Code

Page Safety Tools

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Helping Mississippians Get Jobs

Eligible Training Provider System

[ETPL Home](#)
[ETPL List Search](#)
[Resource Menu](#)
[WIA Partners](#)
[Login](#)
[Help/FAQ](#)

[Request New Provider Access Code](#)

Add a new Access Code Request

*Items followed by an asterisk are required. Use TAB key or your mouse to move between fields, do not use the ENTER key.

A. User Personal Information

*Email ID:
*New user Email ID:
*Password:
*New Password:
*Last Name:
*First Name:
*Second Question:
*Second Answer:
*New user Second Answer:

B. Applicant Information

*Company Name:
*Fed Tax ID #: i.e. 99-9999999
Address 1:
Address 2:

Maintain New Provider Requests for Access Code - Windows Internet Explorer

https://mde.ms.gov/portal/newProviderRequest.aspx?tabAction=430

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*City: *State: *Zip:
*County: <- Please Select ->

*Fiscal Contact Name:
*Contact Title:
*Contact Phone: Ext:
*Contact Fax: i.e. 999-999-9999
*Contact Email: i.e. 999-999-9999
*Web Address: http://

C. Training Location Information

If you have more than 1 location, please enter additional locations by pressing the "Add More Locations" button, before you press the "Next" button. Once you submit, you will not be able to add more locations.

Training Location 1:

*Location Name:
*Street Address 1:
Address 2:
*City: *State: *Zip:
*County: <- Please Select ->

[Add More Training Locations...](#)

D. Approval Routing to WIA Locals based on Training Locations

[Click here to proceed if you are finished adding locations](#)

In-State Training Locations: Local Areas were selected based upon the training locations entered above.

Out-of-State Training Locations: Please select the Local Areas to which you wish to apply for an access code.

- Registration applications that are completed and submitted as prescribed in the initial on-line application are assigned by the ETPL system to the appropriate local board(s) and its designee(s) based on the information the training service provider selects at the time the application is made. Each LWDB selected on the registration template will receive a copy of the application for review. The applicant must ensure that the required documents are sent to each of the LWDAs selected on the registration

application. The ETPL system will assign a temporary three-digit code to the training service provider's registration application.

- The LWDBs will look for: Factors concerning whether the provider is in a partnership with business; Factors that indicate high-quality training services, including factors related to the quality of a program of training services, including programs of training services that lead to a recognized postsecondary credential; and Factors concerning alignment of the training services with in-demand industry sectors and occupations, to the extent practicable.
 - The LWDBs will review all registration applications forwarded to them by the ETPL system, assure that the providers meet the requirements of WIOA law and local policies, including required performance data (where applicable), and will approve Eligible Training Service Provider's initial registration application and all training program(s) of study associated with the Training Service Provider in the ETPL system.
 - If the LWDB denies the initial registration application, the LWDB will send a letter to the training service provider explaining why the initial application was denied. (For appeal instructions, please see additional information in the Appeal section of this policy.) If the LWDB grants an approval on the application, the ETPL system will notify the ETPL Administrator via a system generated email and the ETPL Administrator at the State Office will assign a permanent provider code to the training service provider, activate the user ID(s), and send an email notice to the eligible training service provider that their registration application was approved and access has been granted to the ETPL system. At this time, the training service provider can make initial application for their program(s) of study.
 - A State review to verify performance data may be required.
2. Once the Eligible Training Service Provider has received notice from the State's ETPL Administrator via email that the registration application has been approved, that a permanent provider coded has been granted, and the user(s) identified in the aforementioned application template have been given access to the ETPL System, the Eligible Training Service Provider can then log into the ETPL system at <https://etpl.mdes.ms.gov/Login.aspx> and enter the initial training course application(s). The Eligible Training Service Provider will use the automated, on-line application form at <https://etpl.mdes.ms.gov/NewEPLAppEntry.aspx?usrAction=Add>. Training Service Providers will provide the following information in the following template for each training course:

Maintain an ETP Record - Windows Internet Explorer

https://etpl.mdes.ms.gov/NewETPLAppEntry.aspx?usrAction=add

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Favorites Maintain an ETP Record Page Safety Tools

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Eligible Training Provider System

[New ETP Application Entry](#)

Add a New ETP record

Hello, Michael Herndon

A. Primary Provider Information

*Provider Name: <-- Please Select -->
*Provider Code: [View Provider Detail](#)

B. Training Location Information

*Training Location Name:
*Location ID#:
*Address 1:
*Address 2:
*City: *State: <-- Please Select --> *Zip:
*County: <-- Please Select --> *County Code:
*VIA Area:

C. Program Contact Information
(if different from Fiscal Contact)

*Contact Name:
*Contact Title:

Done

start State_Policy_OS... Document2 - M... Document3 - M... Maintain an ETP... 4:42 PM

Maintain an ETP Record - Windows Internet Explorer

https://etpl.mdes.ms.gov/NewETPLAppEntry.aspx?usrAction=add

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Phone: i.e. 999-999-9999 Ext.
Fax:
Email:

D. Program Information:

*Note: If your course name does not appear on the dropdown list, please Select "NEW Course - Does Not Exist Yet" from the dropdown and the course code will be populated with "NEW". OSM will assign a NEW course code for you later. If your application is approved.

*Course Name: <-- Please Select -->
*Course Code:
*Date Program Established: (i.e. mm/dd/yyyy)
*CIP Code: <-- Please Select -->
*Program length in hours:
*Program Name & Description (less than 50 words):
*Program Award (explain skills or competencies gained from program):

E. Program Offerings: (Check all that apply)

☐ Full Time Enrollment
☐ Part Time Enrollment
☐ Daytime Classes
☐ Evening Classes
☐ Weekend Classes

Done

start State_Policy_OS... Document2 - M... Document3 - M... Maintain an ETP... 4:42 PM

Maintain an ETP Record - Windows Internet Explorer

https://etpl.mdes.ms.gov/NewETPLAppEntry.aspx?userAction=Add3

File Edit View Favorites Tools Help

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Favorites Maintain an ETP Record

☐ Evening Classes
☐ Weekend Classes
☐ English as a Second Language
☐ Instruction Provided in classroom settings
☐ Instruction Provided Over Internet
☐ Labs
☐ Open Entry/Exit

Other Specify:

F. Training Schedule: (Check all that apply)

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

*Time of Day:

G. Prerequisites / Entry Level Requirements for the Training: (Check all that apply)

☐ Reading Specify Level:
☐ Math Specify Level:
☐ Language Specify Level:
☐ Writing Specify Level:
☐ Physical Exam Specify Level:
☐ Medical Screening (i.e. drug or alcohol) Specify:
☐ High School/GED? Specify:
☐ Pre-Apprenticeship Program Specify Course Name(s):
☐ Specific Skills / Competencies Specify:
☐ Other Educational Requirement(s) Specify:

Done

start State_Policy_05... Document2 - M... Document3 - M... Maintain an ETP... Desktop 4:43 PM

Maintain an ETP Record - Windows Internet Explorer

https://etpl.mdes.ms.gov/NewETPLAppEntry.aspx?userAction=Add3

File Edit View Favorites Tools Help

X Convert Select

Favorites Maintain an ETP Record

H. Demand Occupation(s):

Note: Please provide at least 1 occupation and up to 3 occupations for which the training/education institution will prepare an individual for employment opportunities and for which trainees will be qualified after completion of this training program or course of study, with the corresponding North American Industry Classification System (NAICS) Code (see instructions). Indicate the certification, training, credentials by boards, and/or other approvals required prior to employment.

View Demand Occupation Instructions

Demand Occupation #1:
Demand Occupation 1:
NAICS Code 1:
Additional Certification 1:

Demand Occupation #2:
Demand Occupation 2:
NAICS Code 2:
Additional Certification 2:

Demand Occupation #3:
Demand Occupation 3:
NAICS Code 3:
Additional Certification 3:

I. Training Costs

Note: Please enter amounts rounded off to nearest dollar - NO decimals and NO dollar signs.

View WIA Cost Instructions

Catalog Listed Costs
Tuition:
Admin Fees:
Books:

WIA Funded Costs
Tuition:
Admin Fees:
Books:

Done

start State_Policy_05... Document2 - M... Document3 - M... Maintain an ETP... Desktop 4:43 PM

Maintain an ETP Record - Windows Internet Explorer

https://etpl.mdes.ms.gov/NewEPLAppEntry.aspx?usAction=Add

File Edit View Favorites Tools Help

X Convert Select

Favorites Maintain an ETP Record

Supplies: Supplies:
Pell Processing: Pell Processing:
Occupational Fees: Occupational Fees:
Uniform & Shoes: Uniform & Shoes:
Tools & Equipments: Tools & Equipments:
Personal & Transport: Personal & Transport:
Room & Board: Room & Board:
*Other: *Other:
*Total: *Total:

If WIA Costs are the same as Catalog Costs, Click here to copy Costs.

Please Specify "Other" Costs:

Is Program Pell Eligible? ☐ Yes ☐ No

J. Performance Data - Section 1 - ALL Participants Section (Complete for All Participants)

Note: If you DO NOT provide the performance data your application may not be approved.

Period from Which Program Information is Derived: (mm/dd/yyyy) From: To:

WIA Funded participants Percentage Rate: Total Participants:
Total WIA Funded:

Done

start State_Policy_05... Document2 - M... Document3 - M... Maintain an ETP... Desktop 4:43 PM

Maintain an ETP Record - Windows Internet Explorer

https://etpl.mdes.ms.gov/NewEPLAppEntry.aspx?usAction=Add

File Edit View Favorites Tools Help

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Favorites Maintain an ETP Record

WIA Funded Percentage:

K. Performance data - Section 2 - WIA Participants Section (Complete for WIA Participants Only)

Period from Which Program Information is Derived: From: To:

Completion Rate for WIA Participants who should have completed the program during the 12-month period in Section J:

Total WIA Participants:
Completers:
Completers Percentage:

Employment, Employment Retention and Average Wage for this Training Course:

Entered Employment Rate:
Total WIA Completers:
Of Completers Employed:
Employment Percentage:
Retention Rate:
Total Completers Employed 6 months or longer:
Retention Percentage:
Average Earnings:
Total 6 Months Earnings \$:
Average Monthly Wage \$:

L. Local Workforce Investment Areas:

☐ Delta
☐ Mississippi Partnership
☐ Southcentral Mississippi Works

[View WIA Location Map](#)

Done

start State_Policy_05... Document2 - M... Document3 - M... Maintain an ETP... Desktop 4:44 PM

The screenshot shows a web browser window titled "Maintain an ETP Record - Windows Internet Explorer". The address bar shows the URL: <https://reps.mde.ms.gov/newETPLApplication.aspx?tabAction=Add>. The page content includes:

- L. Local Workforce Investment Areas:**
 - ☐ Delta
 - ☐ Mississippi Partnership
 - ☐ Southcentral Mississippi Works
 - ☐ Twin Districts

[View LWIA Location Map](#)
- M. Period for which this application is submitted?(Select one)**
 - *Application Period: September 1-15
 - *Year: 2011
 - *Active/Inactive Status: Active
 - Next Recertification Due: [text box]

Submit Cancel

The Windows taskbar at the bottom shows the Start button, several open applications (State_Policy_OS, Document3 - M, Document3 - M, Maintain an ETP), and the system clock showing 4:44 PM.

- 1) All Eligible Training Service Providers will provide the following institution and program information:
 - a) Name, mailing address, and physical address of the training facility;
 - b) Name and description of the program(s) of study;
 - c) Total hours of instruction associated with the program of study;
 - d) Cost of the training program, including tuition, fees, books, and any required tools, uniforms, equipment or supplies, as well as all unmet needs costs;
 - e) Detailed description of the training program;
 - f) Information on whether students in the program are eligible for Title IV of the Higher Education Act funding (e.g., Pell Grant);
 - g) Signed assurance that **no more than** 75% of your class/course enrollment are WIOA-funded on an annualized basis;
 - i. Providers with greater than 75% of their class/course annual enrollment being funded by WIOA must show justification and an action plan to correct the imbalance to the LWDB,
 - ii. The LWDB may issue an exception to the provider, if it feels the imbalance is justified.
 - iii. The LWDB may choose to locally increase the ratio of non-WIOA to WIOA-funded participants.
 - h) Documentation of licensure to provide training or instruction and to do business in the state in which the training will be provided, and from the appropriate oversight agency or department, if required;

- i. This includes, but is not limited to, the Bureau of Apprenticeship and Training, the Southern Association of Colleges and Schools, the Mississippi Commission on Proprietary School and College Registration, the Mississippi Department of Education, the Mississippi State Boards of Nursing, Cosmetology, Massage Therapy, or Barber Examiners, and/or other generally recognized national, regional, state, or local certifying bodies.
 - ii. Non-Profit training providers, Community-Based Organizations (CBOs), Faith-Based Organizations (FBOs), or any other provider not otherwise licensed or certified as required above in paragraph **hi**, must be registered with the Mississippi Commission on Proprietary School and College Registration (CPSCR), a division of the Mississippi Community College Board. The minimum requirements for registration shall include:
 - Submitting Federal Tax Identification Number,
 - Posting of minimum bond amount of \$50,000 as prescribed by Mississippi Community College Board (MCCB),
 - Having a refund policy in place that conforms to the minimum standards set forth by law (75-60-18, MS Code of 1972), or adopting the refund policy developed by the State (Attachment C), and
 - Other requirements as prescribed by MCCB
<http://www.mccb.edu/program/psDefault.aspx>.
 - iii. Registration with the Secretary of the State of Mississippi.
- i) Documentation of Certification to teach the subject matter for the program of training, if required, i.e. Microsoft, ISO9000, or similar certification generally recognized by employers; and
 - j) Any additional information required by the LWDB.
- 2) Performance Data for eligible training providers' programs of study applications must include (with the exception of Registered Apprenticeship sponsors) the following:
- a) Standard Performance Data (**Section J** – All Participants)
The number of ALL participants who entered training and were scheduled to complete during the 12-month program year date range is to be provided for each training program by the eligible training service provider and annotated in Section J of the on-line training course application in the State's ETPL system @ www.etpl.mdes.ms.gov, both in the initial application and annually during each open enrollment and recertification period held beginning April 1 and ending April 15 of each year. The ETPL administrator will send an ETPL system generated email

to all active users prior to the open enrollment and recertification period to remind the service providers that the open enrollment and recertification period is approaching and to inform training service providers of the 12-month data range. Additionally, the following information should be kept for each training course or program for review by the LWDB:

- i. The program completion rates for individuals participating in the program(s);
- ii. The percentage of individuals participating in the program(s) who obtained unsubsidized employment; and
- iii. Wages at placement in employment of individuals participating in the program(s).

b) State Provided Performance Data (**Section K – WIOA Participants**)

Prior to the open enrollment and recertification period, the ETPL Administrator will determine the 12-month program year date range and request a data extract from the State's ETPL financial tracking system to identify the participants who received WIOA training funds with a training completion that falls within the identified 12-month program year date range. The data file extract will include, at minimum, the participant's first and last name, social security number, the name of the training service provider, and name of the training course. This data file will be used to match all trained participants to the state and national wage data bases using the State's Unemployment Insurance Wage Records and the national Wage Record Information System (WRIS), respectively. Once the wage data has been compiled, the State will determine the following information for each training course in the State's ETPL system and The Office of Grant Management will key the following data on each training course application where WIOA activity occurs:

- i. The number of participants who entered training;
- ii. The number of participants who completed training;
- iii. The number of participants who entered employment;
- iv. The percentage of program participants who are in unsubsidized employment during the **second quarter after exit** from the program;
- v. The percentage of program participants who are in unsubsidized employment during the **fourth quarter after exit** from the program;
- vi. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- vii. The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (vi)), during participation in or within 1 year after exit from the program;
- viii. The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized

postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.

- 3) On July 22, 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law and provides comprehensive legislation that reforms and modernizes the public workforce system. As a result, the State is mandated by WIOA law to provide an annual report to the U.S. Department of Labor's (DOL) Employment and Training Administration (ETA) a 3-year report card on all WIOA approved training service providers and their approved programs of study for all participants who participated in the program of study. This instruction can be found in Training and Employment Guidance Letter (TEGL) 10-16 and report template ETA 9171. The first report is due to DOL October 1, 2017 and annually on this date each year that follows. For purposes of meeting the DOL's reporting requirements, the State will provide additional information and instructions to WIOA approved service providers regarding the data that is required of the participants served through their institution.

4) Assurances

No Training Provider will be placed on the Eligible Training Provider List until a signed Certificate of Assurances is received by either the LWDA, the State office or both confirming that they will comply fully with all nondiscrimination, equal opportunity, all performance indicators, and all provisions of the laws listed below. This document is found at <https://etpl.mdes.ms.gov/Assurances.pdf>.

- a. WIOA section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;
- b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- d. The Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified people with disabilities based on disability;
- e. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- f. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
- g. 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the

WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance;

- h. WIOA trainees shall make up no more than 75% of each class;
- i. As an eligible training service provider to WIOA participants you will provide industry-recognized certificates and certifications, offer quality programs of training services that lead to recognized postsecondary credentials, and provide indicators that you provide training services to individuals who are employed and individuals with barriers to employment;
- j. As an approved WIOA eligible training service provider you will provide indicators of effectiveness in serving employers, factors that indicate high-quality training services, factors concerning alignment of the training services with in-demand industry sectors and occupations, and you are in partnership with businesses.

B. Initial Application Timeline and Requirements

1. Advertisement: Local Workforce Development Areas shall provide adequate notice through public advertisement of the upcoming enrollment and subsequent eligibility period held annually during April 1 -15.
2. State of Mississippi Community Colleges, Higher Education Act and/or National Apprenticeship Act Providers, Other Public and Private Training Providers:
 - a. Applications will only be accepted during the open enrollment and recertification period of April 1 – 15 each year. The ETPL system will open for eligible training service providers to make application and modify existing training courses during this period. This enrollment allows for initial and continued eligibility processes to take concerning training service providers' programs of study. No additional applications or modifications will be accepted after midnight April 15th of each year.
 - b. Beginning on April 16th of each year following the open enrollment and continued eligibility, the ETPL Administrator will begin the automated processes which will assign the applications to the respective LWDB for review.
 - c. The LWIB will review the application(s) in the ETPL system and annotate on the application either an approval or denial. If the LWDB annotates a denial in the ETPL system, the ETPL system will automatically generate an email notification to the eligible service provider stating the reason or reasons for denial (only one reason is needed for denial), provide the timeline in which the appeal is required, and to whom the appeal is to be directed.
 - d. During the review period, the LWDB, the State or its designated representative(s) may make an on-site visit to the training service provider's program sites.

- e. All approved course applications will be included as part of the system data upload January 1 of the following year and becomes the new eligible training service provider and course list made available to the public via the State's online ETPL system @ [http://mdes.ms.gov/i-need-a-job/job-searching-resources/training-education/eligible-training-provider-list-\(etpl\)-system/](http://mdes.ms.gov/i-need-a-job/job-searching-resources/training-education/eligible-training-provider-list-(etpl)-system/) .
3. State Acceptance:
 - a. For applications from Community Colleges, Higher Education Act and/or National Apprenticeship Act, the LWDB's approval is the final decision. The State's ETPL Administrator will place the eligible training provider program(s) on the Statewide Eligible Training Provider List online system prior to January 1st of the following year after the April 1- 15 open enrollment and continued eligibility period.
 - b. For applications from all other public and private providers of a training program, the LWDB's approval is the final decision. The State's ETPL Administrator will place the eligible training provider program(s) on the Statewide Eligible Training Provider List online system prior to January 1st of the following year after the April 1- 15 open enrollment and continued eligibility period.

IV. CONTINUED ELIGIBILITY DETERMINATION POLICY

A. Continued Eligibility Determination Process

Program of study applications must be submitted via the State's online system at www.etpl.mdes.ms.gov during the open enrollment and continued eligibility period held between April 1 – 15 each year, at such time, in such a manner, and containing such information as necessary to adequately fulfill the LWDB's and State's performance information requirements for each training program of study. The continued eligibility process is required of each training service provider. The Registered Apprenticeship program sponsors are exempt from the performance indicators and outcome measures. On April 16th the ETPL Administrator will administer the online processes to assign the training course applications to the respective LWDBs for review.

1. All training providers, regardless of their previous eligibility status, who wish to apply for continued eligibility must meet the initial eligibility criteria as previously stated in this policy. Failure to meet the revised criteria for initial eligibility will result in that provider's removal from the Eligible Training Provider List web based system.

2. To remain eligible, all training providers must undergo an annual eligibility determination by the LWDBs. This determination will include a review of program-specific performance and cost information as well as a review of actual performance compared to performance levels established by the Governor (See Attachment A). An onsite review may be part of the process.
3. The training provider should keep verifiable, program-specific performance information for each program of study. This information must be available for each program to be considered for continued eligibility and may be reviewed by the LWDB or State:
 - a. Outcomes for all individuals participating in the program:
 - 1) Program completion rates;
 - 2) Percentage who obtained unsubsidized employment; and
 - 3) Average wage at placement in employment.
 - 4) Signed assurance that **no more than 75%** of your class/course participants are WIOA-funded, on an annualized basis;
 - Providers with greater than 75% of their course's annual participants being funded by WIOA must show justification and an action plan to correct the imbalance to the LWDB,
 - The LWDB may issue an exception to the provider, if they feel the imbalance is justified; and will forward the exception to the State for final approval.
 - The LWDB may choose to locally increase the ratio of non-WIOA to WIOA-funded participants.
 - Where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills of the graduates of the program.
 - b. Outcomes for WIOA participants in each program of study where a participant was granted an Individual Training Account will be provided by the State's ETPL Administrator and staff: (Section K – WIOA Participants)
 - i. The number of participants who entered training;
 - ii. The number of participants who completed training;
 - iii. The number of participants who entered employment;
 - iv. The percentage of program participants who are in unsubsidized employment during the **second quarter after exit** from the program;
 - v. The percentage of program participants who are in unsubsidized employment during the **fourth quarter after exit** from the program;
 - vi. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
 - vii. The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (vi)), during participation in or within 1 year after exit from the program;

- viii. The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment. Percentage who have completed the program and are placed in unsubsidized employment; and
 - c. Information on program costs (e.g., tuition, fees, books, supplies, tools, room and board, personal and transportation) for each program. Each LWDB will determine which elements of program cost, other than tuition and fees may be covered by an Individual Training Account (ITA).
 - d. All approved program of study course application(s) will be included as part of the system data upload on or before January 1 of each year and becomes the new eligible training service provider course list made available to the public via the State's online ETPL system @ [http://mdes.ms.gov/i-need-a-job/job-searching-resources/training-education/eligible-training-provider-list-\(etpl\)-system/](http://mdes.ms.gov/i-need-a-job/job-searching-resources/training-education/eligible-training-provider-list-(etpl)-system/). No log in or user access is required to view the list of eligible training providers and their respective courses approved by the LWDBs. Public access is also provided via the MDES website @ www.mdes.ms.gov and selecting the Customer/Public Access link in the bottom right corner. The public may search by selecting the Local Workforce Area map, the certified training course list by course name, training provider, etc.
- 4. The LWDB and the State may accept program-specific performance information consistent with the requirements for eligibility under Title IV of the Higher Education Act of 1965 from the provider for purposes of enabling the provider to fulfill the requirements for continued eligibility determination if the information is substantially similar to the information required.
 - 5. Alternate procedures may be used to collect and verify supplemental outcome training performance information.

B. Performance Measures

The LWDB shall annually adopt its standards within 90 calendar days after the State issues its standards of performance. LWDB standards must meet or exceed the standards adopted by the State. The baseline State Performance Measures are included as Attachment A of this policy.

C. Continued Eligibility Timeline

- 1. Continued eligibility certification will be performed annually at the anniversary of the initial eligibility application. As of April 1, 2013, the State will have one continued eligibility period each year. The continued eligibility period will be held April 1 – 15 each year. Failure to apply for continued eligibility of training course(s) or programs of study will result in the expiration of the current certification and removal from the

- statewide approved training provider list. The course will then be stored in the ETPL system archives as an inactive course. The training provider may request to activate inactive programs of study outside of the continued eligibility period, but only with the prior consent of the LWDA. Once the LWDA agrees that the course(s) may be modified, the LWDA must notify the ETPL Administrator at etpladmin@mdes.ms.gov that approval has been granted by the LWDA. The ETPL Administrator will ensure that the processes are initiated that move the course(s) to an active status.
2. Training service providers seeking continued eligibility certification will key the total number of participants who entered training in Section J of each training course application. Upon request, performance data for the most recent 12-month period as described in the first section of attachment A of this policy should be made available to the LWDA or MDES for each program of study application for continued eligibility
 3. The LWDB shall review and certify the performance data of all registrations and applications as soon as possible following the close of the application period (midnight April 15 of each year) and shall annotate such approval or denial on each training course application in the State's ETPL system. The ETPL system will automatically generate an email notification to each active user for the eligible service provider stating the reason or reasons for denial (only one reason is needed for denial), and provide the timeline in which the appeal is required, and to whom it is to be directed.
 4. During the review period, the LWDA or its designated representative(s) may, as determined reasonable by the LWDA, make an on-site visit to the eligible training provider program sites for the purpose of confirming information.
 5. Once all of the LWDA's have annotated their approvals in the ETPL system for each training course application assigned, and the 10 day window for appeal has expired, the ETPL Administrator will conduct the upload of the new list and data for each program of study application on or before January 1 of the new year.
 6. State Acceptance:
 - a. For applications from Community Colleges, Higher Education Act and/or National Apprenticeship Act, the LWIB's approval is the final decision. The State's ETPL Administrator will place the eligible training provider program(s) on the Statewide Eligible Training Provider List online system prior to January 1st of the following year after the April 1- 15 open enrollment and subsequent eligibility period.
 - b. For applications from all other public and private providers of a training program, the LWDB's approval is the final decision. The State's ETPL Administrator will place the eligible training provider program(s) of study on the Statewide Eligible

Training Provider List online system prior to January 1st of the following year after the April 1- 15 open enrollment and subsequent eligibility period.

D. LWDB Considerations in Determining Subsequent Eligibility

1. The local board should have established criteria for determining subsequent eligibility, so that decisions are not arbitrary. [20 CFR 663.535(f)(1)&(2).] Such factors may include, but are not limited to:
 - a. Specific economic, geographic, and demographic factors in the local area(s) in which the provider seeking eligibility is located;
 - b. Characteristics of the population(s) served by the provider seeking eligibility, including the demonstrated difficulties in serving such population(s), where applicable;
 - c. Current and projected occupational demand within the local area;
 - d. Performance of a provider of a program(s) of training services, including the extent to which the annual standards of performance established by the LWDB have been achieved;
 - e. Cost of training services;
 - f. Involvement of employers in the establishment of skill requirements for the training program;
 - g. Feedback of employers who employ individuals who recently completed WIOA-supported training to verify that the training provided produced the expected skills; and,
 - h. Number of individuals considered in calculated percentages for performance measures.
2. The LWDB may require enhancements to programs or courses to meet local industry needs as a contingency for subsequent eligibility.

V. DENIAL AND APPEAL PROCESSES

A. Denial Process

1. LWDB Denials
 - a. Upon a determination by the LWDB that an application by a training provider for a specific program does not meet the eligibility requirements set forth in WIOA or State/local policy, or does not meet the established criteria for determining subsequent eligibility, the LWDA shall annotate that the course is denied on the electronic application in the State's ETPL system with at least one reason why the course has been denied.
 - b. The ETPL system will automatically send a system generated email to the active users for the training service provider and shall comply with the following requirements:

- 1) Notification by email to each active user in the ETPL system for the eligible training provider;
 - 2) Indicate the “date mailed” on the system generated email denial notice;
 - 3) Identify the program and project code that was denied;
 - 4) Describe the specific reason or reasons for the denial; and
 - 5) Inform the training provider of the appeal process as outlined below.
- c. LWDB policy shall determine the circumstances under which reconsideration may be afforded to a provider that was denied initial eligibility determination. An entity whose initial application for certification was denied may not reapply until the following year of initial applications.
2. State Denials
- a. The State’s ETPL Administrator will move all of the initial and subsequent Eligible Training Provider training course applications that have been disapproved or denied to a historical archive file in the ETPL system as an inactive course on or before January 1. All information and data on the application will remain in the system. Once the training course application becomes inactive, it is not available for view by the public and is not available for the ITA staff to generate an obligation of WIOA funds.
 - b. In denying or removing a training program from the eligible training provider list, the State shall follow the guidelines as outlined in the WIOA federal regulations.

B. Appeal Process

1. The training provider has ten (10) working days from the date of the ETPL system generated email in which to file an appeal to the originator of the notice, which is the LWDA.
2. The request for appeal must clearly indicate that the training provider wants to appeal the denial and must clearly identify the training program being denied.
3. The request for appeal must be submitted in writing, signed, dated and postmarked no later than 10 working days from the ETPL system generated notice, and must include a factual basis for the appeal.
4. The LWDB will review the request for appeal and, based on this review, may reverse their original decision if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued.
5. Additional information regarding appeals can be found in the MDES agency policy number 32 entitled Programmatic Grievance and Complaints Policy.

6. Decision Reversals

- a. If the LWDB reverses a prior decision, the LWDB will make the reversal on the application in the ETPL system. A system generated email will be sent to all active users of the eligible training provider informing the service provider of the reversal. If the course(s) was not included in the mass data upload on or before January 1, the course(s) will be uploaded to an active status immediately after the reversion is noted on the training course application by the LWDB.
- b. If the State reverses a prior decision, the State will notify both the LWDB and the training provider of the reversal and will follow the appropriate procedures to include the training course in the State's system upload so that the course becomes active and is available for public viewing, and ITA staff for the purpose of obligating WIOA funds.

VI. COMPLIANCE AND REQUIREMENTS

A. Local

The Local Areas shall be responsible for:

1. accepting, reviewing, and approving or denying training service providers' applications of programs of study;
2. compiling a Local Demand Occupation List, based on the Statewide Demand Occupation List;
3. monitoring of the Eligible Training Service Providers to ensure compliance with WIOA Rules and Regulations, including Program Performance information, with applicable OMB Circulars, and with the Performance and Enrollment requirements as stated in this and other State Policies.

B. Statewide

The State shall compile a single Eligible Training Provider List from all local areas in the State and disseminate such list, and the performance information and program cost information, to the One-Stop service delivery systems within the State. This List and information shall be made widely available to participants in employment and training activities and other customers through the One-Stop service delivery system. The Eligible Training Providers, their respective courses, training locations etcetera can be accessed by the public at [http://mdes.ms.gov/i-need-a-job/job-searching-resources/training-education/eligible-training-provider-list-\(etpl\)-system/](http://mdes.ms.gov/i-need-a-job/job-searching-resources/training-education/eligible-training-provider-list-(etpl)-system/).

C. Regulatory Requirements

1. Accuracy of information: If the LWDB and/or designated State agency, after consultation with the local board involved, determines that an eligible provider or individual(s) supplying information on behalf of the provider intentionally supplies inaccurate information under this section, the agency shall terminate the

eligibility of the provider to receive funds described in subsection (a) for any program for a period of not less than two years.

2. Noncompliance: If the designated State agency, or the local board working with the State agency, determines that an eligible provider described in subsection (a) substantially violates any requirement under this Act, the agency, or the local board working with the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for the program involved or take such other action as the agency or local board determines to be appropriate.
3. Repayment: A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.
4. Conflict of Interest:
 - a. As stated in 20 CFR 667.200(a)(4)(i), a Local Board member or Youth Council member must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by the member (or any organization the member directly represents), nor on any matter that would provide direct financial benefit to the member or a member of his immediate family.
 - b. As stated in 20 CFR 667.200(a)(4)(ii), neither membership on the Local Board or the Youth Council nor the receipt of WIOA funds to provide training and related services, by itself, violates the conflict of interest provisions.

VII. EFFECTIVE DATE

This policy is effective immediately.

Laura Ring
Director, Office of Grant Management

Attachments: A – State Performance Levels
B – State Refund Policy
C – System Access Confidentiality Agreement