

**MISSISSIPPI**  
**Policy Number 09, Revision 2**  
**WIOA ELIGIBLE TRAINING PROVIDER CERTIFICATION**  
**Workforce Innovation and Opportunity Act**

**I. SCOPE AND PURPOSE:**

This Policy sets forth the State of Mississippi's requirements for Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility, the State's List of Eligible Training Providers, and programs. WIOA and its regulations established the allowable types of training, including both work-based and classroom instruction, with the goal of ensuring provider performance, job-driven training, informed consumer choice, continuous improvement, and cost-effective investment of public funds. This policy guidance focuses on the requirements for providing certain training with contracts, establishing initial provider and program eligibility and continued eligibility for use of ITAs, establishing roles and responsibilities of the State of Mississippi and Local Workforce Development Areas for maintaining the ETP list, disseminating the ETP list, and addressing unique requirements for Registered Apprenticeship Programs (RAPs).

**II. Types of Training Allowed by this policy under WIOA Title I:**

WIOA authorizes various funding mechanisms for allowable participant training. Allowable types of training include:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-Job Training (OJT);
3. Incumbent Worker Training (IWT);
4. Programs that combine workplace training with related instruction, which may include cooperative education programs;
5. Training programs operated by the private sector;
6. Skill upgrading and retraining;
7. Entrepreneurial training;
8. Job readiness training provided in combination with the training services described in (a) through (g) of this chart or transitional jobs;
9. Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services provided in any of clauses (a) through (g); and
10. Customized training conducted with a commitment by an employer or group

of employers to employ an individual upon successful completion of the training.

These mechanisms include direct contracts for services and individual training accounts (ITAs). An ITA may be used to pay for any allowable type of training, as long as the program of training service (also referred to as "program of study") is on the state list of eligible training providers (ETP list). Direct contracts for training services with employers and the state or Local Workforce Development Area (Local Area) may be for OJT, IWT, and customized training. A state or Local Area, when it is determined most appropriate, may also establish a contract with an institution of higher education or other provider of training services for a group of WIOA participants concurrently training in in-demand industry sectors or occupations, provided that the contract does not limit customer choice. As long as training services are chosen in a manner that achieves the goals outlined in the purpose section of this policy, select training services may also be provided using a contract between the provider and the Local Workforce Development Board (Local Board). For these select training services, participants can receive the training from a program that is not on the ETP list.

### **III. Exempt Training Services:**

Training services that are exempt from the Section 122(a) through (f) eligibility requirements include:

1. On-the-job training; customized training; incumbent worker training, transitional employment; or
2. Training provided under the circumstances described at WIOA Section 134(c)(3)(G)(ii) and 20 CFR 680.320, where the Local Board determines that:
  - There is an insufficient number of ETPs in the Local Area to accomplish the purposes of a system of ITAs;
  - 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;
  - It would be most appropriate to award a contract to an institution of higher education or other provider of training services to facilitate the training of multiple individuals in one or more 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 that are exempt from the Section 122(a) through (f) eligibility requirements, the Governor may establish performance criteria those providers must meet to receive funds under the adult or dislocated worker programs. Local Boards must collect this information, if required, and determine whether the providers meet the Governor's performance criteria before entering into contracts with training providers that meet these criteria.

#### **IV. Types of Entities Eligible to Apply to be Eligible Training Providers:**

Only the entities listed below may apply for inclusion on the ETP list, and these are the only entities eligible to provide training for participants who enroll in a WIOA Title I-funded program of training services, except as discussed above in section II of this policy. Training provider entities eligible to apply for inclusion on the ETP list include:

1. Institutions of higher education that provide a program that leads to a recognized postsecondary credential;
2. Apprenticeship programs, including Registered Apprenticeship Programs (RAP) in accordance with the language below and in forthcoming guidance on RAPs and WIOA;
3. Other public or private providers that provide training, which may include community-based organizations (CBOs) and joint labor-management organizations;
4. Eligible providers of adult education and literacy activities under WIOA Title II if such activities are provided in combination with training services described in
5. 20 CFR § 680.350; and
6. Local Board, if they meet the conditions of WIOA Section 107(g)(1).

ETPs are subject to the equal opportunity and nondiscrimination requirements contained in Section 188 of WIOA and implementing regulations at 29 CFR part 38.

#### **V. Eligible Programs of Training Services (programs of study):**

A program of study is defined as one or more courses or classes, or a structured regimen that provides job-driven training services and leads to a recognized post-secondary credential, as defined in WIOA Section 3(52), which includes an industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state involved or Federal Government, a postsecondary credential, secondary school diploma or its equivalent, employment, or measurable skill gains toward a recognized postsecondary or secondary school diploma or its equivalent credential or employment. These training services could be

delivered in person, online, or in a blended approach.

#### **VI. Registered Apprenticeship Program (RAP) Sponsors:**

Registered Apprenticeship Programs are automatically eligible to be included on the ETP list and are exempt from state and local ETP eligibility requirements. This policy requires the state to have a process for adding RAPs that imposes minimal burden on the RAP. This process may require that the RAP provide the following basic information:

- Occupations included within the RAP;
- The name and address of the RAP sponsor;
- The name and address(es) of the Related Technical Instruction provider(s) and the location(s) of instruction if different from the program sponsor's address;
- The method and length of instruction; and
- The number of active apprentices.

For RAPs that opt for inclusion on the ETP list, states and Local Area must add them without applying any additional eligibility requirements that they might otherwise apply to other types of training providers. Furthermore, states must maintain RAPs on the list until:

- The RAP program notifies the state agency it no longer wants to be included on the list;
- The program becomes deregistered under the National Apprenticeship Act;
- The program is determined to have intentionally supplied inaccurate information; or,
- A determination is made that the RAP substantially violated any provision of Title I of WIOA or the WIOA regulations, including 29 CFR part 38.

Similar to the RAP exemption from the eligibility requirements, RAPs also are exempt from ETP performance reporting requirements in WIOA Sections 116(d)(4) and 122, including any additional ETP reporting requirements that have been added by the state or Local Area. This also means that the states and Local Areas must not establish any RAP specific performance reporting requirements; however, RAPs may voluntarily report performance outcomes. States may require only the information necessary to verify the registration status for the RAP, in accordance with procedures established by the state in consultation with the state office of apprenticeship.

#### **VII. Eligible Training Provider (ETP) List Requirements and Responsibilities:**

**Required State Responsibilities:**

**A. The Mississippi Department of Employment Security (MDES) must develop and maintain the ETP list (providers and their programs of study):**

1. 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:
  - a. Recognized post-secondary credential(s) offered;
  - b. Provider information supplied to meet the state's eligibility procedure;
  - c. Performance and cost information; and,
  - d. Additional information as the state determines appropriate, such as the number of units (for example, credits, hours or semesters) needed to earn the credentials offered.
2. The state eligible training provider list must be accompanied by relevant performance and cost information.
3. The state eligible training provider list must be widely available to the public (including all Local Board) through electronic means, including websites and searchable databases, as well as any other means states use to disseminate information to consumers, and easily understood.
  - a. MDES must disseminate the list to the Local Boards, the one-stop system, its partner programs, the public, and the state's secondary and postsecondary education system.
  - b. The state eligible training provider list must be accessible to individuals with disabilities, individuals seeking information on training outcomes, and individuals participating in employment and training programs funded under WIOA.
  - c. The State eligible training provider list must not reveal personally identifiable information about individual participants.

**B. The state must establish a minimally burdensome mechanism for adding Registered Apprenticeship programs (RAPs) to the list and verifying registration status at least every two years.**

**C. The Governor must work with the State Workforce Development Board to develop procedures, information requirements, and criteria for determining eligibility (including clarifying state and Local Board responsibilities).**

1. Initial eligibility requirements must:

- a. Include required initial eligibility components listed on Eligibility Policy Checklist as described in Training and Employment Guidance Letter 8-19 Attachment III;
  - b. Require providers seeking initial eligibility to provide verifiable program specific performance information;
  - c. Require providers to submit required information for the programs to be considered for initial eligibility in accordance with the state's procedure; and,
  - d. Only permit initial eligibility to last for one year for each program of study.
  - e. *Exempt from eligibility determinations: RAPs.*
  - f. If a RAP expresses interest in being on the state eligible training provider list, the state must request the RAPs provide the following information to the state:
    - Occupations included within the RAP;
    - The name and address of the RAP sponsor;
    - The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;
    - The method and length of instruction; and,
    - The number of active apprentices.
2. Continued eligibility requirements must:
- a. Establish an application procedure for training providers to maintain their eligibility and the eligibility of their programs;
  - b. Establish a procedure that ensures that all providers are subject to review and renewal of their eligibility within a year of their initial eligibility determination and at least every two years thereafter, which can establish minimum standards;
  - c. Describe the application procedure for continued eligibility 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;
  - d. Include the continued eligibility components listed on Eligibility Policy Checklist as described in Training and Employment Guidance Letter 8-19 Attachment III; and
  - e. Take into account whether the provider accurately and timely submitted all of the information required for completion of eligible training provider performance reports (WIOA section 116(d)(4)) and all of the information required for initial and continued eligibility.

- f. Information requirements for continued eligibility established by the Governor must require eligible training providers to submit appropriate, accurate, and timely information for participants receiving training under WIOA title I. That information must include:
  - The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
  - The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
  - The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
  - The percentage of program participants who obtain a recognized postsecondary credential, or secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;
  - Information on recognized postsecondary credentials received by program participants;
  - Information on cost of attendance, including costs of tuition and fees, for program participants; and
  - Information on the program completion rate for such participants.
3. The policies and procedures must include RAP sponsors requesting ETP list inclusion 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, until the program is deregistered, or until they are determined to have intentionally supplied inaccurate information or have substantially violated a provision of Title I of WIOA or its regulations.
4. The policies and procedures must not subject RAPs to the same application and performance information requirements or to a period of initial eligibility or continued eligibility procedures.
5. The Governor and State Workforce Development Board 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 RAPs within the state in order to allow them to indicate interest.

**D. For initial and continue eligibility procedures, the Governor must:**

1. During a designated time period, solicit and consider recommendations from Local Boards and training providers regarding the procedures.
2. Provide an opportunity for public comment regarding the initial and continued eligibility procedures.

- E. The designated state entity must determine whether the provider submitted accurate information for the eligibility criteria and performance levels, and take enforcement actions as needed if the provider intentionally submitted inaccurate information or substantially violated the requirements of WIOA or initial and continue eligibility procedures, the Governor must:**
1. The Governor's procedures must include what the Governor considers to be a substantial violation of the requirement to timely and accurately submit all of the information required for completion of the eligible training provider performance reports required under WIOA Section 116(d)(4) and all of the information required for initial and continued eligibility.
    - a. These procedures must take into account exceptional circumstances beyond the provider's control such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues.
    - b. Providers who substantially violate the requirement to timely and accurately submit all required information must be removed from the ETP list.
- F. The designated state entity must ensure that state-established minimum performance levels for initial and/or continued eligibility are met (if applicable) including verifying the accuracy of the information.**
- G. The Governor must establish procedures for removing a provider from the list. Such procedures must:**
1. Remove programs that do not meet established eligibility criteria or state established minimum performance levels (if applicable).
  2. Identify which entity is responsible for revoking a provider's eligibility (Local Board or state agency).
  3. Ensure that revocation is for a period not less than two years for providers that intentionally supply inaccurate information or substantially violate any provision of WIOA or its regulations and that the training provider is liable to repay all adult and dislocated worker training funds received during the period of noncompliance.
  4. Providers removed from the statewide ETP list, or from a particular Local Area list of eligible training providers, must be afforded the opportunity to appeal the removal.
  5. Establish an appeals procedure for providers of training to appeal a denial of eligibility. The procedure must include an opportunity for a hearing



and must explain the appeals process for denial or termination of eligibility of a provider of training services.

- H. The Governor must establish a procedure by which a provider can demonstrate that providing state-required additional performance and cost information would be unduly burdensome or costly. If the state determines that providers have demonstrated such extraordinary costs or undue burden:**
1. The state must provide access to cost-effective methods for the collection of the information.
  2. The state 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
  3. The state may take other steps to assist eligible training providers in collecting and supplying required information such as offering technical assistance.
- I. 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 at <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.**

**Allowable State Responsibilities:**

- A. Governors may require any additional performance information (such as the information described at WIOA Section 122(b)(1)) that the Governor determines to be appropriate for eligibility or to better inform consumers.
- B. Governors may establish minimum performance standards for initial and continued eligibility, based on the performance information required for each.
- C. The Governor may establish procedures and timeframes for providing technical assistance to eligible training providers who are not intentionally supplying inaccurate information or who have not substantially violated any of the requirements under this section but are failing to meet the criteria and information requirements due to undue cost or burden.
- D. State policies and procedures may provide for reciprocal or other agreements established with another state to permit eligible training providers in a state to accept ITAs provided by the other state.

**Required Local Board Responsibilities:**

- E. Local Boards must ensure that there are sufficient numbers and types of providers of 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.
- F. Local Boards must complete other responsibilities delegated to the Local Boards by the state (state may not delegate responsibilities specifically designated as a state responsibility unless explicitly stated in this guidance, the WIOA Final Rule, or WIOA statute). For example, Local Boards must collect such performance information as the state may require and determine whether the providers meet the state's performance criteria.
- G. Local Boards must remove ETPs that fail to meet local performance standards (if applicable) from the local ETP list, in accordance with state and local policies and procedures. This process must allow for appeals in accordance with the state's appeals procedure for providers of training to appeal a denial of eligibility from the local list of eligible training providers.
- H. Local Boards must ensure that the state's ETP list is disseminated publicly through the local one-stop system, including in formats accessible to individuals with disabilities, and its partner programs.
- I. 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.

**Allowable Local Board Responsibilities:**

- A. The Local Board may, except with respect to registered apprenticeship programs:
  - 1. Require additional criteria and information from local providers as criteria to become or remain eligible in that Local Area; and
  - 2. Set higher levels of performance than those required by the state as criteria for local programs to become or remain eligible to provide services in that Local Area.
- B. 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 indicators. However, the Local Board may not do so for registered apprenticeship programs.

This additional information may include:

3. Information on programs of training services that are linked to occupations in demand in the Local Area;
  4. Performance and cost information, including program- specific performance and cost information, for the local outlet(s) of multi-site eligible training providers;
  5. Information that shows how programs are responsive to local requirements; and
  6. Other appropriate information related to the objectives of WIOA.
- C. Local Boards may make recommendations to the Governor on the procedure used to determine eligibility of providers and programs.

**Training Provider Responsibilities:**

- A. Training providers must submit accurate and timely performance data and cost information for both initial eligibility and continued eligibility at least every two years, according to procedures established by the Governor.
- B. Training providers must deliver results and provide accurate information in order to retain status as an ETP.
- C. RAPs must submit the information necessary to indicate interest in being on the ETP list according to procedures established by the state, after being contacted by the state. These items should include the items in the checklist in as described in Training and Employment Guidance Letter 8-19 Attachment III.
- D. Intermediaries serving as RAPs who are employers using an outside instructional provider must identify their instructional provider in accordance with requirements established by their Local Board.
- E. The training provider will be bonded, registered by the applicable state agency, and licensed to do business in Mississippi.
- 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.

**Registered Apprenticeship Program (RAP) Required Information for ETP List**

- A. **RAPs approved under National Program Standards must submit to ETA the following information to be added to ETP list(s):**
  1. Occupations included within the RAPs;
  2. The name and address of the Registered Apprenticeship program sponsor;

3. The name and address(es) of the Related Technical Instruction provider(s), and the location(s) of instruction if different from the program sponsor's address; (Note: If the provider of Related Technical Instruction is different from the program sponsor, cost of the instruction may be requested);
4. The method and length of instruction; and
5. The number of active apprentices.

## **VIII. INITIAL ELIGIBILITY DETERMINATION POLICY**

### **A. Initial Eligibility Application Process**

1. The Initial Application Process for Eligible Training 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 training provider profile, contact and user information, location(s) of training, and all necessary documentation required to show proof of registration, bonding, and etcetera.
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 Providers of training 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>
  - 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 eligible training 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 LWDBs selected on the registration application. The ETPL system will assign a temporary three-digit code to the eligible training 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, including factors related to the quality of a training program, including programs of training that lead to a recognized postsecondary credential; and Factors concerning alignment of the training 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 provider's initial registration application and all training program(s) of study associated with the ETPL system.

- If the LWDB denies the initial registration application, the LWDB will send a letter to the eligible training 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 eligible training provider, activate the user ID(s), and send an email notice to the eligible training provider that their registration application was approved and access has been granted to the ETPL system. At this time, the eligible training provider can make initial application for their program(s) of study.
  - A State review to verify performance data may be required.
3. Once the eligible training 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 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 provider will use the automated, on-line application form at <https://etpl.mdes.ms.gov/NewEPLAppEntry.aspx?usrAction=Add>.
- a. All eligible training providers will provide the following institution and program information:
- i. Name, mailing address, and physical address of the training facility;
  - ii. Name and description of the program(s) of study;
  - iii. Total hours of instruction associated with the program of study;
  - iv. Cost of the training program, including tuition, fees, books, and any required tools, uniforms, equipment or supplies, as well as all unmet needs costs;
  - v. Detailed description of the training program;
  - vi. Information on whether students in the program are eligible for Title IV of the Higher Education Act funding (e.g., Pell Grant);
  - vii. Signed assurance that **no more than 75%** of your class/course enrollment are WIOA-funded on an annualized basis;
    - 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,
    - The LWDB may issue an exception to the provider, if it feels the imbalance is justified.

- The LWDB may choose to locally increase the ratio of non-WIOA to WIOA-funded participants.
- viii. 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;
- 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.
  - 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 h) i., 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>.
  - Registration with the Secretary of the State of Mississippi.
- ix. 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
- x. Any additional information required by the LWDB.
- b. Performance Data for eligible training providers' programs of study applications must include (with the exception of Registered Apprenticeship sponsors) the following:
- i. 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 provider and annotated in

Section J of the on-line training course application in the State's ETPL system @ [www.etpl.mdes.ms.gov](http://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 eligible training providers that the open enrollment and recertification period is approaching and to inform eligible training 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:

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

ii. **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 eligible training 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 State Wage Interchange System (SWIS), 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 ETPL Administrator will key the following data on each training course application where WIOA activity occurs:

- The number of participants who entered training;
- The number of participants who completed training;
- The number of participants who entered employment;
- The percentage of program participants who are in unsubsidized employment during the **second quarter after exit** from the program;
- The percentage of program participants who are in unsubsidized employment during the **fourth quarter after exit** from the program;
- The median earnings of program participants who are in unsubsidized

employment during the second quarter after exit from the program;

- 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;
- 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.

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 eligible training 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 eligible training providers regarding the data that is required of the participants served through their institution.

c. 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>.

- i. 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 WIOA Title I-financially assisted program or activity;
- ii. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- iv. The Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified people with disabilities based on disability;



- v. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- vi. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
- vii. 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;
- viii. WIOA trainees shall make up no more than 75% of each class;
- ix. As an eligible training provider to WIOA participants you will provide industry-recognized certificates and certifications, offer quality programs of training that lead to recognized postsecondary credentials, and provide indicators that you provide training to individuals who are employed and individuals with barriers to employment;
- x. As an approved WIOA eligible training provider you will provide indicators of effectiveness in serving employers, factors that indicate high-quality training, factors concerning alignment of the training with in-demand industry sectors and occupations, and you are in partnership with businesses.

## **B. Initial Application Timeline and Requirements**

1. Advertisement: Local 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 providers to make application and modify existing training courses during this period. This enrollment allows for initial and continued eligibility processes to take concerning eligible training providers' programs of study. No additional applications or modifications will be accepted after midnight April 15<sup>th</sup> of each year.
  - b. Beginning on April 16<sup>th</sup> of each year following the open enrollment and continued eligibility, the ETPL Administrator will begin the automated processes which will update required information and assign the applications to the respective LWDB for review.

- c. The LWDB 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 training 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 eligible training provider's program sites.
  - e. All approved course applications will be included as part of the system data upload by July 15th of the current year and becomes the new eligible training 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/) .
  - f. Any courses not recertified through the previously described process or approved by the LWDB will be removed from the ETPL list.
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 July 15th of the current 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 July 15th of the current year after the April 1- 15 open enrollment and continued eligibility period.
  - c. Registered Apprenticeships do not require LWDB approval to be placed on the ETPL list.

## **IX. 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](http://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 eligible training provider. The Registered Apprenticeship program sponsors are exempt from the performance indicators and outcome measures. On April 16, the ETPL Administrator will administer the online processes to assign the training course applications to the respective LWDBs for review.

1. 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 eligible 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:
    - i. Program completion rates;
    - ii. Percentage who obtained unsubsidized employment; and
    - iii. Average wage at placement in employment.
    - iv. 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
  - ix. 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).

4. All approved program of study course application(s) will be included as part of the system data upload on or before July 15th of the current year and becomes the new eligible training provider course list made available to the public via the State's online ETPL system 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/). 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 at [www.mdes.ms.gov](http://www.mdes.ms.gov) and selecting the Customer/Public Access link in the bottom right corner. The public may search by selecting the Local Area map, the certified training course list by course name, training provider, etc.
5. 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.
6. 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](mailto: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. Eligible training 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 training 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 July 15th of the current year.
6. 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 July 15th of the current 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 July 15th of the current 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, including the extent to which the annual standards of performance established by the LWDB have been achieved;
  - e. Cost of training;
  - 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.

## **X. 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 eligible training provider and shall comply with the following requirements:
  - i. Notification by email to each active user in the ETPL system for the eligible training provider;
  - ii. Indicate the "date mailed" on the system generated email denial notice;
  - iii. Identify the program and project code that was denied;
  - iv. Describe the specific reason or reasons for the denial; and
  - v. 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 July 15<sup>th</sup> of the current year. 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 provider of the reversal. If the course(s) was not included in the mass data upload on or before July 15<sup>th</sup> of the current year, 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.

## **XI. COMPLIANCE AND REQUIREMENTS**



**A. Local**

The Local Areas shall be responsible for:

1. accepting, reviewing, and approving or denying eligible training 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 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 provider, 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 training 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 training 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.

**XII. EFFECTIVE DATE**

This policy is effective immediately.

DocuSigned by:  
  
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1/28/2022

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Robin Stewart  
Interim Executive Director

Date

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