



Iowa Workforce Development Board

ETPL Policies

Last Updated: 8/7/2018

QUESTIONS / PUBLIC COMMENTS RECEIVED

Contact	Questions / Public Comments
<p>Rosie Thierer, Iowa Department on Aging 6/28/18</p>	<p>I do not have any questions but the following statement on page 20 does not make any sense to me: Performance Accountability Effective date: To ensure that customers are using federal funds to help customers make informed choices about which programs best suit their needs, WIOA requires the collection and reporting of program information such as cost and performance. Customers using federal funds to help customers...? Should the first customers be another word? I can't figure out if the intention is training providers, career counselors in the workforce system, or other job seekers helping other job seekers?</p> <p><i>We agree that this is confusing, and the term "customer" should not be used in more than one context contemporaneously. Furthermore, the order of the phrases could be clearer. The State will revise the first paragraph of this policy as follows: "WIOA requires the collection and reporting of program information such as cost and performance in order to help ensure that customers make informed choices."</i></p>
<p>Jim Kersten Iowa Central Community College 7/17/18</p>	<ol style="list-style-type: none"> 1. Has the State Workforce Agency pursued a waiver from Department of Labor (DOL) to ask that Iowa does not have to comply with this requirement? If so, was this done in conjunction with American Job Center partners, sub awardees, etc.? If not, why not? <ol style="list-style-type: none"> a. <i>The State has drafted a waiver request for submission to the U.S. Department of Labor on this matter. This was done in consultation with stakeholders including workforce development boards, community colleges, and concerned citizens. This waiver request, and the public comments may be viewed at: https://comment.iowa.gov/Notice/Details/ETPL</i> 2. Are locally recognized credentials recognized on ETPL? If not, why wouldn't the State Workforce agency pursue a waiver to ensure locally recognized credentials are included on the list? <ol style="list-style-type: none"> a. <i>According to TEGL No. 10-16, Change 1, dated August 23, 2017, "certificates awarded by workforce development boards (WDBs) and work readiness certificates" are not considered recognized post-secondary credentials "because neither type of certificate is recognized industry-wide, nor documents the measurable technical or industry/occupational skills necessary to gain employment or advancement within an occupation."</i> <p><i>The applicable TEGL may be viewed at: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_10-16-Change1.pdf</i></p>

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	<p data-bbox="540 140 2456 204">That said, the State has drafted a waiver request to the U.S. Department of Labor on this matter. This waiver request, and the public comment on it may be viewed at: https://comment.iowa.gov/Notice/Details/ETPL</p> <ol style="list-style-type: none"> <li data-bbox="397 245 2064 277">3. Through the review of potential ETPL programs, which data management system will be used to submit/review applications? <ol style="list-style-type: none"> <li data-bbox="491 300 2440 363">a. The new data management system currently under development, IowaWorks (a Geographic Solutions product) will allow providers to directly enter applications, and State staff to review and approve those applications, within the system. <li data-bbox="397 405 1956 437">4. What role will local workforce areas and local workforce boards play in the review and approval of training programs? <ol style="list-style-type: none"> <li data-bbox="491 459 2502 794">a. Under 20 CFR section 680.430(c), “the Local WDB must carry out the procedures assigned to the Local WDB by the State, such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers and programs, and considering the possible termination of an eligibility training provider due to the provider’s submission of inaccurate eligibility and performance information or the provider’s substantial violation of WIOA requirements.” Thus, the State may assign Local WDBs the task of making eligibility and termination determinations for the ETPL if the State chooses. IWD elected not to assign this duty to Local WDBs because of the pending realignment of local areas and Local WDBs, as mandated by the U.S. Dept. of Labor. With the new ETPL module on the data management system and the work that the Local WDBs will have to perform as part of realignment (incorporate as non-profits, hire staff, procure one-stop operators, procure career service providers, develop and execute MOUs with infrastructure-funding agreements, etc.), IWD determined that it would be best for the State to handle the transition to a WIOA-compliant ETPL on the new system. Once the new Local WDBs are up and running and fully functional, it is possible that IWD will assign them greater responsibilities related to the ETPL. At this time, the smoothest implementation will be under IWD’s election to handle the transition in this way. <li data-bbox="397 836 1650 868">5. What role will the state workforce board play in the review and approval of training programs? <ol style="list-style-type: none"> <li data-bbox="491 890 2483 1091">a. The Governor is charged with administering the ETPL under 20 CFR section 680.430. The Governor may designate a state agency to perform this responsibility. IWD is designated as the State agency to assist in carrying out the process and procedures for determining the eligibility of training providers and programs of training services. IWD, as the Governor’s designee and in consultation with the State WDB, establishes the criteria, information requirements, and procedures, including procedures identifying the respective roles of the State and local areas, governing the eligibility of providers and programs of training services to receive funds through individual training accounts (ITAs) under the WIOA Title I adult and dislocated worker programs, and for out-of-school youth under the WIOA Title I youth program. <p data-bbox="540 1129 1757 1161">The State WDB does not participate in the review and approval of individual training programs.</p> <li data-bbox="397 1197 2091 1228">6. How will the State ensure they maintain active emails of training provider staff to ensure training programs status’ do not lapse? <ol style="list-style-type: none"> <li data-bbox="491 1251 2440 1347">a. It will be the responsibility of the training provider to keep their account current in the IowaWORKs data management system being developed by Geographic Solutions. The data management system will generate a report of emails that bounce back as undeliverable. IWD staff will reach out to providers with undeliverable email addresses in their account and request that they update their provider account. <p data-bbox="540 1385 1677 1449">See also: 20 CFR §680.460 “What is the application procedure for continued eligibility?” 20 CFR §680.480 “May an eligible training provider lose its eligibility?”</p>

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	<p>7. Why are training programs reviewed biennially? Is this a best practice in the nation? Required by DOL? Why wouldn't the review be done on a quadrennial or lustrum basis?</p> <p>a. Federal regulations under 20 CFR Part 680 require biennial review. However, in response to comments received, the State has drafted a waiver request to US DOL to conduct this review quadrennially. This waiver request, and the public comment on it may be viewed at: https://comment.iowa.gov/Notice/Details/ETPL</p> <p>See also: 20 CFR §680.460 "What is the application procedure for continued eligibility?" 20 CFR §680.480 "May an eligible training provider lose its eligibility?" 20 CFR §680.500 "How is the State list of eligible training providers and programs disseminated?" TEGL 41-14 #9 and #11.</p> <p>8. During the renewal process what is the definition of an accurate and timely manner?</p> <p>a. An application for renewal will be considered timely if it is completed up to 90 days prior to the due date. The data management system will automatically send renewal reminder notifications to the provider.</p> <p>Legal references: 20 CFR §680.460(f)(10); 680.460(g); 680.460(l); 680.460(l)(2); and draft Iowa Policy - "Renewing/Reviewing Eligibility"</p> <p>9. If IWD or the State desires to remove a program from the ETPL why wouldn't they be required to seek approval from local workforce boards or the state workforce board to do so?</p> <p>a. The Governor is charged with administering the ETPL under 20 CFR section 680.430. The Governor may designate a state agency to perform this responsibility. IWD is designated as the State agency to assist in carrying out the process and procedures for determining the eligibility of training providers and programs of training services. IWD, as the designee and in consultation with the State WDB, establishes the criteria, information requirements, and procedures including governing the eligibility of providers and programs of training services to receive funds through individual training accounts (ITAs) under the WIOA Title I adult and dislocated worker programs and for out-of-school youth under the WIOA Title I youth program. The State WDB does not participate in the review and approval or termination of individual training programs. With the new ETPL module on the data management system and the work that the Local WDBs will have to perform as part of realignment (incorporate as non-profits, hire staff, procure one-stop operators, procure career service providers, develop and execute MOUs with infrastructure-funding agreements, etc.), IWD determined that it would be best for the State to handle the transition to a WIOA-compliant ETPL on the new system. Once the new Local WDBs are up and running and fully functional, it's possible that IWD will assign them greater responsibilities pertaining to the ETPL. Training providers and/or programs and will only be terminated and removed when required by law. Should a party disagree with a decision of removal, they may follow the established appeal process.</p> <p>See also: 20 CFR §680.430 - "Who is responsible for managing the training provider eligibility process?" 20 CFR §680.480 - "May an eligible training provider lose its eligibility?" TEGL 41-14 #11 - Deeming Providers Ineligible</p>

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	<p>10. If a training program is potentially deemed as “failing to meet performance levels” what process would be undertaken to score it as failing? Would a publically available matrix exist?</p> <p>a. According to 20 CFR 680.480(c), if a training provider fails to meet the established performance requirements as established by the Governor in accordance with law, they must be removed from the ETPL, as specified in the Performance Accountability policy.</p> <p>Iowa’s established performance levels are:</p> <ol style="list-style-type: none"> i. The percentage of program participants who are in unsubsidized employment during the second quarter and fourth quarter after exit from the program (best of second or fourth quarter employment rate of 30%) ii. Median Earnings rate of \$2,800 of program participants who are in unsubsidized employment, measured second quarter after program completion iii. Credential Attainment rate of 30% of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program iv. Information on recognized post-secondary credentials received by WIOA program participants v. Information on cost of attendance; including costs of tuition and fees, for WIOA program participants vi. Information on program completion rate for WIOA participants <p>11. If a training program is potentially deemed a “failing to meet performance levels” would exceptions to the policy be made? If so, how would this be applied evenly? If not, why not?</p> <p>a. No, there will not be exceptions, as WIOA does not allow for them. A program either qualifies or it does not qualify, based upon its performance measures. Please see the response to question 10 for the continued eligibility performance measures. These requirements will be strictly observed.</p> <p>12. If a training program is potentially deemed a “failing to meet performance levels” would exceptions to the policy be made if the training programs was a pipeline for high demand, high skill, and/or high wage employment opportunities?</p> <p>a. No, there will not be exceptions, as WIOA does not allow for them. A program either qualifies or it does not qualify, based upon its performance measures. Please see the response to question 10 for the continued eligibility performance measures. These requirements will be strictly observed.</p> <p>13. If a program is removed from the ETPL why would they be blocked from reapplying for two years? Why wouldn’t the training program be allowed to reapply after they have resolved their issues with their licensing board, employment rates, etc.?</p> <p>a. IWD is designated by the Governor as the State agency to assist in carrying out the process and procedures for determining the eligibility of training providers and programs of training services under 20 CFR section 680.430(b). Therefore, IWD is responsible for:</p> <ol style="list-style-type: none"> 1) Ensuring the development and maintenance of the ETPL with respect to initial eligibility, continued eligibility, and performance and cost information reporting requirements. 2) Ensuring that programs meet eligibility criteria and performance levels established by the State, including verifying the accuracy of the information. 3) Removing programs that do not meet State-established program criteria or performance levels.

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	<p data-bbox="585 140 2408 204">4) Taking appropriate enforcement actions against providers that intentionally provide inaccurate information or that substantially violate the requirements of WIOA.</p> <p data-bbox="585 209 2408 272">5) Disseminating the ETPL, accompanied by performance and cost information relating to each program, to the public and the Local WDBs throughout the State.</p> <p data-bbox="537 316 2494 448">20 CFR §680.480 states that “providers determined to have intentionally supplied inaccurate information or to have substantially violated any provision of title I of WIOA or the WIOA regulations, including 29 CFR part 38, must be removed from the State list of eligible training providers and programs in accordance with the enforcement provisions of WIOA Sec. 122(f). A provider whose eligibility is terminated under these conditions must be terminated for not less than two years, and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance.”</p> <p data-bbox="397 491 1849 523">14. Please clearly define the performance metrics a training program must meet to remain eligible for the ETPL?</p> <p data-bbox="489 544 2502 879">a. The draft policy was written to meet the minimum requirements outlined in 20 CFR §680.490. The measures are as follows:</p> <ul style="list-style-type: none"> <li data-bbox="569 576 2462 639">i. The percentage of program participants who are in unsubsidized employment during the second quarter and fourth quarter after exit from the program (best of second or fourth quarter employment rate of 30%) <li data-bbox="569 644 2381 708">ii. Median Earnings rate of \$2,800 of program participants who are in unsubsidized employment, measured second quarter after program completion <li data-bbox="569 713 2502 777">iii. Credential Attainment rate of 30% of program participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program <li data-bbox="569 782 1857 813">iv. Information on recognized post-secondary credentials received by WIOA program participants <li data-bbox="569 818 1932 850">v. Information on cost of attendance; including costs of tuition and fees, for WIOA program participants <li data-bbox="569 855 1435 887">vi. Information on program completion rate for WIOA participants <p data-bbox="397 922 1327 954">15. Please clearly define how performance metric data will be obtained?</p> <p data-bbox="489 975 1768 1007">a. All performance data is supplied by the provider and is stored in the data management system.</p> <p data-bbox="537 1042 2435 1142">See also: 20 CFR §680.460 - “What is the application procedure for continued eligibility?” 20 CFR §680.490 - “What kind of performance and cost information must eligible training providers other than registered apprenticeship programs provide for each program of training services?”</p> <p data-bbox="397 1185 1881 1217">16. Why would IWD/the State review ETPL appeals? Isn't this a state workforce board and/or a local board power?</p> <p data-bbox="489 1238 2395 1302">a. The State must establish and include in the State Plan due process procedures. The State WDB approves the State Plan. Regulations give this authority to the State.</p> <p data-bbox="537 1337 2448 1369">See also: 20 CFR §683.630 - “What additional appeal processes or systems must a State have for the Workforce Innovation and Opportunity Act?”</p>

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	<p>17. Why does an ETPL appeal decision take 60 calendar days? Can't that window be decreased to 15 or 30 days?</p> <p>a. Regulations require that the State provide opportunity for a hearing and prescribe time limits to ensure prompt resolution to appeal. The State has determined that 60 days is an acceptable amount of time to schedule and hold such a hearing, and finalize a decision on the matter.</p> <p>See also: 20 CFR §683.630(2) - "What additional appeal processes or systems must a State have for the Workforce Innovation and Opportunity Act?"</p> <p>18. How will credential attainment within 1 year after program exit be tracked to ensure data integrity is adhered too? Who is responsible to tracking this metric?</p> <p>a. Data integrity is ensured through the Data Element Validation process conducted annually by the U.S. Department of Labor, in conjunction with the SWA. Service providers are responsible for tracking and documenting credential attainment in the data management system.</p> <p>See also: 20 CFR §680.460 - "What is the application procedure for continued eligibility?" 20 CFR §680.490 - "What kind of performance and cost information must eligible training providers other than registered apprenticeship programs provide for each program of training services?"</p> <p>19. Has the State, State Workforce Board evaluated a positives and negatives of submitted an ETPL performance metric waiver to DOL? If so, what were the results of this evaluation? If not, why was this option disregarded?</p> <p>The State has drafted a waiver request to US DOL on this matter. This waiver request, and the public comments may be viewed at: https://comment.iowa.gov/Notice/Details/ETPL</p> <p>20. Why is there no mention of a probationary period policy for low performing programs prior to them being terminated from ETPL eligibility?</p> <p>a. There will not be a probationary period, because continued eligibility regulations do not allow for a probationary period. A provider may reapply after two years as long as they have at least one year of performance data.</p> <p>See also: 20 CFR §680.460 "What is the application procedure for continued eligibility?" 20 CFR §680.480 "May an eligible training provider lose its eligibility?"</p>
<p>AIWP 7/23/18</p>	<p>1. Has the State Workforce Agency pursued a waiver from Department of Labor (DOL) to ask that Iowa does not have to comply with this requirement? If so, was this done in conjunction with American Job Center partners, sub awardees, etc.? If not, why not? (see approval letter for North Carolina/South Carolina/South Dakota)</p> <p>a. This question was previously answered. Please refer to Question 1 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>2. Are locally recognized credentials recognized on ETPL? If not, why wouldn't the State Workforce agency pursue a waiver to ensure locally recognized credentials are included on the list? (see approval letter for North Carolina/South Carolina/South Dakota)</p> <p>a. This question was previously answered. Please refer to Question 2 from Jim Kersten, Iowa Central Community College, 7/17/18.</p>

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	<p>3. Through the review of potential ETPL programs which data management system will be used to submit/review applications? a. This question was previously answered. Please refer to Question 3 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>4. What role will local workforce areas and local workforce boards play in the review and approval of training programs? a. This question was previously answered. Please refer to Question 4 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>5. What role will the state workforce board play in the review and approval of training programs? a. This question was previously answered. Please refer to Question 5 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>6. How will the State ensure they maintain active emails of training provider staff to ensure training programs status' do not lapse? a. This question was previously answered. Please refer to Question 6 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>7. Why are training programs reviewed biennially? Is this a best practice in the nation? Required by DOL? Why wouldn't the review be done on a quadrennial or lustrum basis? a. This question was previously answered. Please refer to Question 7 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>8. During the renewal process what is the definition of an accurate and timely manner? a. This question was previously answered. Please refer to Question 7 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>9. If IWD or the State desires to remove a program from the ETPL why wouldn't they be required to seek approval from local workforce boards or the state workforce board to do so? a. This question was previously answered. Please refer to Question 9 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>10. If a training program is potentially deemed as "failing to meet performance levels" what process would be undertaken to score it as failing? Would a publically available matrix exist? a. This question was previously answered. Please refer to Question 10 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>11. If a training program is potentially deemed a "failing to meet performance levels" would exceptions to the policy be made? If so, how would this be applied evenly? If not, why not? a. This question was previously answered. Please refer to Question 11 from Jim Kersten, Iowa Central Community College, 7/17/18.</p>

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	<p>12. If a training program is potentially deemed a “failing to meet performance levels” would exceptions to the policy be made if the training programs was a pipeline for high demand, high skill, and/or high wage employment opportunities?</p> <p>a. This question was previously answered. Please refer to Question 12 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>13. If a program is removed from the ETPL why would they be blocked from reapplying for two years? Why wouldn't the training program be allowed to reapply after they have resolved their issues with their licensing board, employment rates, etc.?</p> <p>a. This question was previously answered. Please refer to Question 13 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>14. Please clearly define the performance metrics a training program must meet to remain eligible for the ETPL?</p> <p>a. This question was previously answered. Please refer to Question 14 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>15. Please clearly define how performance metric data will be obtained?</p> <p>a. This question was previously answered. Please refer to Question 15 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>16. Why would IWD/the State review ETPL appeals? Isn't this a state workforce board and/or a local board power?</p> <p>a. This question was previously answered. Please refer to Question 16 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>17. Why does an ETPL appeal decision take 60 calendar days? Can't that window be decreased to 15 or 30 days?</p> <p>a. This question was previously answered. Please refer to Question 17 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>18. How will credential attainment within 1 year after program exit be tracked to ensure data integrity is adhered too? Who is responsible to tracking this metric?</p> <p>a. This question was previously answered. Please refer to Question 18 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>19. Has the State or State Workforce Board evaluated a positives and negatives of submitted an ETPL performance metric waiver to DOL? If so, what were the results of this evaluation? If not, why was this option disregarded? (see approval letter for North Carolina/South Carolina/South Dakota)</p> <p>a. This question was previously answered. Please refer to Question 19 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>20. Why is there no mention of a probationary period policy for low performing programs prior to them being terminated from ETPL eligibility?</p> <p>a. This question was previously answered. Please refer to Question 20 from Jim Kersten, Iowa Central Community College, 7/17/18.</p>

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	<p>21. What are the terms, processes, and procedures as it relates to Bordering States -students that are in bordering states that want to select an Iowa ETPL?</p> <p>a. Iowa Workforce Development (IWD) is responsible for drafting and administering policies within the State of Iowa. Students in bordering states who wish to select an Iowa ETPL provider would have to comply with their respective state regulations. We do intend to enter into reciprocal agreements with bordering states, and those agreements would eventually govern those relationships and the options border state students have.</p> <p>22. What local control and state workforce board powers will be abdicated if this policy is approved by the state workforce board? Please list and explain each area why these proposed changes are in the best interest of Iowans.</p> <p>a. This question was previously answered. Please refer to Question 4 and Question 5 from Jim Kersten, Iowa Central Community College, 7/17/18.</p> <p>23. Are all eight, plus the related subsections, of the “Information Submission Requirements” required under WIOA? If they are not, which ones can be excluded?</p> <p>a. IWD administers the ETPL at the state level in Iowa. IWD included criteria that are required for continued eligibility within the initial eligibility standards so that we can put providers and programs in a position to more readily obtain continued eligibility at their one-year review.</p> <p>24. We agree that training programs are required to reapply for ETPL. If an eligible training provider has been approved for years why is the state not implementing a tiered WIOA re-application timeline? For instance, if a training program has been a successful and active ETPL training program for 7 years they could reapply in 2018. But their WIOA re-application would be based on a formula. Example: Year of WIOA application + years of service = year of reapplication. See here: 2018 + 7 years under WIA = WIOA re-application date of 2025. Please specify why Iowa is not lowering barriers to long standing training partners to ease the transition process.</p> <p>a. The Federal regulations do not allow for a tiered re-application timeline.</p> <p>25. Has the state of Iowa submitted a waiver to DOL asking them to waive the transition requirements place on states? If not, why not? (see approval letter for North Carolina/South Carolina/South Dakota)</p> <p>a. At this time, the State has not drafted a waiver request surrounding the transition of ETPL providers. WIOA legislation is clear that through the transition process from WIA to WIOA, all providers could have transitioned to the new ETPL prior to December 31, 2015. Providers and programs would not have had to meet initial eligibility requirements if they were part of the transition. However, if those providers and programs had been transitioned timely, all providers/programs would have had to complete the re-application process for continued eligibility by December 31, 2017, based on the federal requirement of biennial review. The “Transition of Current Providers” policy was drafted in order to ensure the State of Iowa is WIOA compliant with regard to ETPL. In order to do so, all providers need to complete initial eligibility to be placed on the ETPL. This is due to the lack of required information previously collected in the data management system. The IowaWORKS system being developed by Geographic Solutions requires certain data elements that must be completed during the initial eligibility process.</p> <p>26. How are providers supposed to obtain exit data from participants of the program?</p> <p>a. The State has drafted a waiver request to US DOL on this matter. Public comment on this waiver may be viewed at: https://comment.iowa.gov/Notice/Details/ETPL</p>

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	<p>27. If a WIOA funded student is attending the program and the program is revoked, what happens to the student? Will they end up paying out of pocket back to the date it was determined ineligible? How will notifications to Service providers happen?</p> <p>a. The student would have the option to continue in the program at their own expense. Costs incurred while the provider/program was eligible would not need to be repaid. Notifications will come from the data management system and/or the Workforce Services Bureau Chief.</p> <p>28. I do not see a federal requirement to include WIOA Title I out of school youth in the requirement to use the ETPL to access training funds. The TEGL only indicates adult and dislocated workers. Is Iowa narrowing the policy to include out of school youth? This could limit assistance we can offer to Out of School youth. It is difficult to meet the 75% expenditure requirement for out of school youth. This policy would make that even more difficult.</p> <p>a. According to 20 CFR §681.550 (also clarified in TEGL 21-16), in order to enhance individual participant choice in their education and training plans and provide flexibility to service providers, the U.S. Department of Labor allows WIOA Individual Training Accounts (ITAs) for out-of-school youth (OSY), ages 16 to 24, using WIOA youth funds when appropriate.</p> <p>29. Page 2: Is the Out of School Youth program required through WIOA to participate on this list? If not, I would recommend removing this as a requirement for that program. These new guidelines are likely to reduce the number of providers on the ETPL which could impact the programs accessible to youth.</p> <p>a. According to the U.S. Department of Labor guidance, it is not required, but could be allowed with an ITA, if that is the best and most appropriate situation for the OSY.</p> <p>30. Page 2: What timeline will be followed for getting a program approved through the system? Sometimes students move fast, and with urgency needed to hit training start dates, it would be good to know how that will work behind the scenes so we know if a program will be approved by start of class. A participant may change work schedules, adjust childcare, and make other changes to their personal life to make training work. If we find out at the last minute that it isn't approved, this can be very frustrating to the student and impact their earnings/job.</p> <p>a. This will be dependent upon numerous factors, and it is not possible to define a fixed time frame. There are responsibilities and requirements of both the provider and the State. A provider must first create a provider account in the IowaWORKS data management system, and then the State must approve that provider. Then, the provider will need to submit program information, and the State will have to review that information before being placed on the ETPL. Nonetheless, the State will work with the Local WDB and provider to move the process along as efficiently as possible.</p> <p>31. Page 2: Potential ETPL Provider-#3 a: Would this be similar to a New Horizons? Please provide additional information on what "provide training under contract with the local board" means? To be included would the company or CBO need to first have a "contract" with the board? What would that look like? And then they could apply to be on the ETPL?</p> <p>a. Under limited conditions, as provided in 20 C.F.R § 680.320 and WIOA sec. 134(d)(3)(G), a Local WDB may contract for training services in lieu of an individual training account (ITA) when the local plan describes the process to be used in selecting the provider under a contract for services, the Local WDB has satisfied consumer choice, and when one of five contract exceptions applies:</p> <p>i. On-the-job training, which may include paying for the on-the-job training portion of a Registered Apprenticeship program, customized training, incumbent worker training, or transitional jobs;</p>

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	<ul style="list-style-type: none"> ii. If the Local WDB determines that there are an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs. This determination process must include a public comment period of at least 30 days for interested providers, and must be described in the local plan; iii. If the Local WDB determines that the most appropriate training could be provided by an institution of higher education or other provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; iv. If the Local WDB determines a pay-for-performance contract is suitable, and more than 10 percent of the local funds are spent on pay-for performance contract strategies; v. To use a training services program of demonstrated effectiveness offered in a local area by a community-based organization or other private organization to serve individuals with barriers to employment. The Local WDB must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to individuals with barriers to employment to be served. Such criteria may include: <ul style="list-style-type: none"> 1. Financial stability of the organization; 2. Demonstrated performance in the delivery of services to individuals with barriers to employment through such means as program completion rate; attainment of the skills, certificates, or degrees the program is designed to provide; placement after training in unsubsidized employment, and retention in employment; and 3. How the specific program relates to the workforce investment needs identified in the local plan <p>Entities that have these training services with the Local WDB qualify as a provider that may apply to be placed on the ETPL.</p> <p>32. Page 2: Potential ETPL Provider-#1: "Lead to a recognized Post-Secondary credential" which may include an "industry recognized credential". Please clarify what you are looking for with an "industry recognized credential".</p> <ul style="list-style-type: none"> a. The definition of "recognized post-secondary credential" under WIOA includes "industry recognized credential" as well as a certificate of completion of an apprenticeship, a license recognized by the State or Federal government, an associate or baccalaureate degree, and graduate degrees for purposes of the Vocational Rehabilitation program as required under the Rehabilitation Act of 1973. The U.S. Department of Labor chose not to define the term "industry-recognized credential" in the WIOA final rules, and used the term "industry-recognized certificate or certification" in the definition of "program of training services" in order to mirror the definition of "recognized post-secondary credential" under WIOA. The term "industry-recognized credential" is an evolving term, and the Department determined that defining it in the regulation may limit future innovation around industry-relevant training. <p>In TEGL 10-16, the U.S. Departments of Labor and Education jointly provided additional information regarding "recognized post-secondary credential" and what may qualify as an "industry-recognized credential." The TEGL states:</p> <p>A recognized post-secondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. Neither certificates awarded by workforce development boards (WDBs), nor work readiness certificates, are included in this definition because neither type of certificate documents the measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation. Likewise, such certificates must recognize technology or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.</p>

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	<p>A variety of different public and private entities issue recognized post-secondary credentials. Below is a list of the types of organizations and institutions that award recognized post-secondary credentials (not all credentials awarded by these entities meet the definition of recognized post-secondary credential).</p> <ul style="list-style-type: none"> ● A State educational agency or a State agency responsible for administering vocational and technical education within a State; ● An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs; ● An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes; ● A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified IT Professional (MCITP), Certified Novell Engineer, a Sun Certified Java Programmer, etc.) using a valid and reliable assessment of an individual's knowledge, skills and abilities; ● U.S. Department of Labor Office of Apprenticeship or a State Apprenticeship Agency ● A public regulatory agency, which awards a credential upon an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a State-licensed asbestos inspector); ● A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons; and ● Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements. <p>In the Departments' response to comments on the WIOA joint final rules, they state that they will issue joint guidance that further illustrates what constitutes a recognized post-secondary credential for the credential rate indicator, including definitions for each type of credential. In order to avoid getting too far out in front of the Departments—and setting a standard that must be changed after Federal guidance is issued—IWD is not presently going to define the term beyond what is contained in the final rules and guidance. IWD will revisit the definition of "industry-recognized credential" in its policies if and when additional guidance is released by the Departments. Any changes that result will be posted for public comment.</p> <p>33. Page 7: for initial eligibility, if a provider isn't meeting performance at time of initial eligibility are they automatically excluded or do the performance measures come into effect once they apply for subsequent eligibility? Also if a training provider doesn't have a strong business partnership for a certain training program at the time of application or during initial application, are they automatically excluded?</p> <p style="padding-left: 40px;">a. A procedure for determining initial eligibility status and placement on the ETPL will be developed once a policy has been approved by the State Workforce Board in accordance with the federal regulations found at 20 CFR §680.450(c).</p> <p>34. Page 8: This is a good change. It will keep a more robust list of training providers and programs. It is good to look at reciprocal agreements with non-bordering states, but if one isn't able to be completed then that program isn't eligible if an Iowa training provider offers similar training which often times is the case.</p>

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	<p>35. Page 4: if a training provider provides wrong info and is required to repay WIOA funds, would the funding they must pay back including only training costs or would it also include any support services associated with the training such as books, transportation and child care?</p> <p>a. According to 20 CFR §680.480(b), the training provider would only be required to refund all WIOA youth, adult, and dislocated worker training funds they received during the period of non-compliance. Supportive service funds not received by the training provider would not need to be refunded.</p> <p>36. Page 11: Renewal Timeframe: Is it necessary to suspend training providers when they are only 9 months into their initial eligibility? Should they be allowed the full 12 months to document and provide the necessary data and updates before they are suspended or removed? Would it make sense to eliminate the "suspension" piece and they are either "on the list" or "off the list".</p> <p>a. Training providers and programs are required to complete a continued eligibility application prior to the 12 month mark of their initial eligibility. The data management system will start to send alerts 90 days prior to the end of the initial eligibility period. If the initial eligibility period is allowed to lapse, and the provider or program has not completed continued eligibility requirements, the provider or program will be placed in suspension status until the provider or program completes the continued eligibility application.</p> <p>37. Why was this policy not submitted to the state workforce board prior to IWD's request for its public posting?</p> <p>a. There is no legal requirement that IWD submit a draft policy to the State Workforce Development Board (WDB). IWD is the State agency designated to administer the ETPL in Iowa. 20 CFR section 680.430 requires that IWD develop policies and procedures for ETPL "in consultation with the State WDB." 20 CFR section 675.300 defines the term "consultation," for purposes of the WIOA final rules, to mean "the process by which State and/or local stakeholders convene to discuss changes to the public workforce system and constitutes a robust conversation in which all parties are given an opportunity to share their thoughts and opinions." The posting of the draft ETPL policy for review and comment by the State WDB is one part of the consultation process, which also occurs at State WDB meetings. IWD appreciates the time and thoughtfulness of members of the State WDB and other stakeholders, such as Local WDBs, chief elected officials (CEOs), and training providers in providing public comment to the draft ETPL policy.</p>
<p>Carmen Heck 1 Joyfield Lane Iowa City, IA 52245 7/24/18</p>	<p>1. I am pleased that the state has developed a policy for consumer choice for WIOA services. Having a pool of qualified providers who are a potential good match for the individuals served is an important part of service delivery.</p> <p>2. In order to truly increase consumer choice, the state will need to develop a process for recruiting providers in each type of service available to WIOA consumers. The policy should include a clear and consistent application process for providers across regions. Currently, the process is not easily available to potential providers and appears to vary from region to region. As a provider in Eastern Iowa, the process to become a provider of WIOA services has been far from transparent.</p> <p>3. What is the IWD Case Management system and how does a provider complete the initial eligibility in this system (Section labeled Transition of Current Providers and Reviewing/Renewing Eligibility)? Is there a link to access this system or a form to complete? Could this information be included in the policy?</p> <p>a. The data management system is currently under development by Geographic Solutions. There will be user guides developed once policy is finalized and the data management system is in the final stages of development. A link will be provided to stakeholders once the system is ready. There is no paper form to complete, as the form will be digital and will be processed within the data management system. This information will be placed in the user guides.</p>

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	<p>4. Could the policy include a list of services or types of services that a provider could apply? Request for clarification of the question was made and the following response provided by Ms. Heck on 8/9/18: Thank you for following up. Our comment is perhaps more a philosophical question than referring to something in the policy per se. It appears that the policy's purpose is to promote choice in service providers for the individuals receiving WIOA services in the state; we think this is a great idea and seriously lacking in at least some parts of the state. However, having a policy making sure that the clients receive information about different service providers does no good if there aren't actual choices in service providers for them to choose from. Real choice cannot happen without adequate number of services providers to choose from. The plan to increase choice should include a plan to recruit providers and currently the process to be a service provider is not very transparent, including what services might be available to be provided and how to make the application.</p> <p style="padding-left: 40px;">a. The cornerstone of the ETPL policy is consumer choice. According to TEGL 41-14, the Local WDBs have statutorily-required responsibilities related to eligible training providers. Local WDBs must work with the State to ensure that there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area, and providing the services involved in a manner that maximizes consumer choice and leads to competitive, integrated employment for individuals with disabilities.</p> <p>5. Dissemination of Information – The policy reads as if we will continue to have 15 local workforce development boards. It doesn't seem feasible that the local workforce development board could be "responsible for ensuring that all One-Stop staff members have access the ETPL and are knowledgeable in regards to utilizing the ETPL" once we only have 2-4 local regions. Perhaps this needs to be updated to meet the new region structure with the Director position in place?</p> <p style="padding-left: 40px;">a. The Local WDBs have statutorily-required responsibilities related to eligible training providers. Regardless of structure, the Local WDB is responsible for ensuring that One-Stop staff members have access and are knowledgeable with the ETPL. The ETPL is kept electronically, and will be available on an agency website as well as the data management system.</p>
<p>Katherine Harrington 7/25/18</p>	<p>1. I am pleased that the state has developed a policy for consumer choice for WIOA services. Having a pool of qualified providers who are a potential good match for the individuals served is an important part of service delivery.</p> <p>2. In order to truly increase consumer choice, the state will need to develop a process for recruiting providers in each type of service available to WIOA consumers. The policy should include a clear and consistent application process for providers across regions. Currently, the process is not easily available to potential providers and appears to vary from region to region. As a provider in Central Iowa, I worked on getting approved through my local Workforce Development Board, but this happened during a leadership transition. The notification process for who is approved was not particularly clear and seemed to be very informal.</p> <p>3. What is the IWD Case Management system and how does a provider complete the initial eligibility in this system</p> <p style="padding-left: 40px;">a. This question was previously answered. Please refer to Question 3 from Carmen Heck, 1 Joyfield Lane, Iowa City, IA 52245, 7/24/18.</p> <p>4. (Section labeled Transition of Current Providers and Reviewing/Renewing Eligibility)? Is there a link to access this system or a form to complete? Could this information be included in the policy?</p>

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	<p>a. This question was previously answered. Please refer to Question 3 from Carmen Heck, 1 Joyfield Lane, Iowa City, IA 52245, 7/24/18.</p> <p>5. Could the policy include a list of services or types of services for which a provider could apply?</p> <p>a. This question was previously answered. Please refer to Question 4 from Carmen Heck, 1 Joyfield Lane, Iowa City, IA 52245, 7/24/18.</p> <p>6. Dissemination of Information – The policy reads as if we will continue to have 15 local workforce development boards. It doesn't seem feasible that the local workforce development board could be "responsible for ensuring that all One-Stop staff members have access the ETPL and are knowledgeable in regards to utilizing the ETPL" once we only have 2-4 local regions. Perhaps this needs to be updated to meet the new region structure when the Director position is in place?</p> <p>a. This question was previously answered. Please refer to Question 5 from Carmen Heck, 1 Joyfield Lane, Iowa City, IA 52245, 7/24/18.</p>
<p>Miranda Brown 7/30/18</p>	<p>1. Region 16 RWDB/CEOs feel that the performance metrics outlined for initial and continued eligibility could prohibit current and potential service providers from applying to be placed on the ETPL. Gathering data from participants who have exited a program can be difficult due to willingness of past participants to assist in the data gathering process. In addition, for some agencies especially Community Based Organizations (CBO) implementing these additional performance data metrics may be cost prohibitive. Leading to quality services not being available to clients. Given the reasons outlined above we would like to ask the State to request a waiver from the Department of Labor as North Carolina, South Carolina and South Dakota recently did. We would like to see the waiver of required collection and reporting of performance-related data on all students participating in training programs listed on the states ETPL. As Stated in the letter to North Carolina "ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of North Carolina to implement its plan to improve the workforce development system" We feel that our state is similar in scope and feel that the same standards would be relevant.</p> <p>a. This question was previously answered. Please refer to Question 1 from Jim Kersten, Iowa Central Community College, 7/17/18.</p>
<p>Laurie Wolf Iowa CC 7/31/18</p>	<p>Thank you for the opportunity to review and comment on the proposed language regarding the draft Eligible Training Provider List (ETPL) Policy. On behalf of the Iowa Community Colleges I am providing you a joint response from the many individuals who reviewed the proposed language. Attached is a revised document of the original proposed language.</p> <p>The edits within this document are the result of an overall review of the document based on a comprehensive review of the WIOA federal language, the current and proposed Iowa policies, as well as a review of how other states have incorporated the federal statute changes into their policies.</p> <p>The comments being provided address: the layout of content, format, and suggested language changes. All are being offered from a standpoint of ease for the reader, clarity of intent, and concern that the language does reflect the federal statute and is applicable for Iowa.</p> <p>There were several major areas of concern that I would like to bring to the attention of the IWD Staff who worked on this policy.</p> <p>1. Youth Training. The proposed language references Youth in several of the sections. It is the understanding of the individuals who work with WIOA that services to Youth are not included under the federal statute that this proposed policy addresses. [This was addressed in the first paragraph of the revised 'Background and Purposes'.] Was this an oversight when the proposed policy was being drafted?</p>

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	<p data-bbox="486 140 1696 172">a. This question was previously answered. Please refer to Question 28 from AIWP, 7/23/18.</p> <p data-bbox="534 209 2515 544">The location of the final rules that govern the ETPL has caused some confusion. The ETPL final rules are located in 20 CFR Part 680—more specifically at 20 CFR sections 680.400 through 680.530—which is entitled, “Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act.” Despite the location of the final rules that govern the ETPL, the WIOA final rules expressly allow out-of-school youth (OSY), aged 16 to 24, to have an individual training account (ITA) and to use those funds for training through a provider and program on the ETPL. Under WIOA, ITAs are permitted for participants in the Youth program. Furthermore, 20 CFR section 681.550 states that, in order to enhance individual participant choice in their education and training plans and provide flexibility to service providers, DOL allows ITAs for out-of-school youth (OSY), aged 16 to 24, using WIOA Title I Youth program funds, when appropriate. 20 CFR section 680.400(a) states that the final rules governing the ETPL describe the process for determining eligible providers and programs for WIOA Title I Adult, Dislocated Worker, and OSY, aged 16 to 24, training participants. Under 20 CFR section 680.410(a), an eligible training provider on the ETPL is the only type of entity that receives funding for training services through an ITA under WIOA.</p> <p data-bbox="344 580 736 612">2. Out-of-state providers.</p> <p data-bbox="344 616 2515 715">The federal statute does allow the inclusion of services from providers who are in contiguous states, through Reciprocal Agreements. The proposed Iowa policy appears to expand out-of-state providers to include more than those in contiguous states. Is that the intention of this policy, and if so why? This question is being posed as there a number of potential qualified providers in Iowa, as well as the contiguous states, that can more than provide for the needs of Iowans seeking training.</p> <p data-bbox="451 718 2400 750">Suggested language to address this issue can be found in section ‘Reciprocal Agreements’ [formerly entitled ‘Out-of-State Eligible Training Programs’]</p> <p data-bbox="486 770 2515 834">a. The proposed policy places preference on Iowa’s training providers, however, in order to facilitate increased consumer choice for participants, the use of training providers outside of the State of Iowa is allowable.</p> <p data-bbox="344 890 620 922">3. Accreditation.</p> <p data-bbox="344 925 2515 1024">The proposed language did not clearly address the federal ETPL requirements for Training Providers, which includes but is not limited to accreditation requirements and/or providing proof of meeting industry standards. Suggested language to address this has been provided throughout the section on ‘Training Provider and Training Program Eligibility’.</p> <p data-bbox="486 1045 2118 1077">a. 20 CFR section 680.410 is entitled, “What is an eligible training provider?” It states that an eligible training provider (ETP):</p> <ol data-bbox="585 1114 2158 1412" style="list-style-type: none"> 1) Is the only type of entity that receives funding for training services; 2) Must be included on the State ETPL; 3) Must provide a program of training services; and 4) Must be one of the following types of entities: <ol data-bbox="682 1249 2158 1412" style="list-style-type: none"> a) Institutions of higher education that provide a program which leads to a recognized post-secondary credential; b) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 <i>et seq.</i>); or c) Other public or private providers of training services, which may include: d) Community-based organizations; e) Joint labor-management organizations; and

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	<p data-bbox="682 140 2515 204">f) Eligible providers of adult education and literacy activities under title II of WIOA if such activities are provided in combination with training services described at 20 CFR section 680.350.</p> <p data-bbox="540 240 2515 304">The section of the draft ETPL policy, entitled “Training Provider and Training Program Eligibility,” contains these requirements, as well as the requirements to qualify for a “program of training services.”</p> <p data-bbox="346 376 1319 408">4. Approval of Specific Training Program by an Approved Provider</p> <p data-bbox="346 411 2515 576">Some background on this...currently, institutions apply to be an approved training provider when we have an eligible applicant requesting specific training at a specific institution (i.e., someone would like to go into the Equestrian Science program). We send the training provider and application form to complete. The individual seeking training also works through an informational sheet where they compare programs at various institutions, look at the cost and how they will cover the expense, and reviews labor market information to ensure that there will be opportunities for employment in the program area. Both of these forms go to the Regional Workforce Development Board for review. Once approved, that program stays on the ETPL unless the board feels that there is good reason to remove them.</p> <p data-bbox="346 579 2515 711">The proposed change will require that all programs apply to be on the list. They will then provide data to support keeping the program on the list for each subsequent year. We assume that much of this data will be available through the Tableau Public system. It appears that IWD will want data from both Title I participants and students in the program as a whole as well. Each program will then have to re-apply every two years to remain on the list. We are not sure why this step has been included if the data provided annually supports keeping the program on the list. Is this an IWD requirement or required by federal statute?</p> <p data-bbox="346 715 2515 879">We believe that having apprenticeships on the list automatically, and with no performance requirements is likely a waiver that IWD requested from DOL. Could someone from IWD confirm this? We ask this question as the colleges are required to complete a more rigorous process in having college training programs approved than what is typically required with registered apprenticeships. We also update college training programs much more frequently than apprenticeships, and have a system in place to ensure those reviews and updates. This process for training providers is very cumbersome. Perhaps it would be worth the time to explore if other states have obtained waiver to make this process more workable for all training parties.</p> <p data-bbox="346 919 2515 983">It should be noted on the ‘Exercise of Transition’ page that IWD indicates that all training providers must re-apply in the new system to be eligible after July 2017. Is this wording intentional or should it read either 2018 or 2019, since the process is just now being drafted and reviewed?</p> <p data-bbox="491 1023 1010 1054">a. Continued Eligibility Requirement</p> <p data-bbox="540 1090 2515 1190">IWD has developed a draft waiver request relating to some ETPL requirements that is currently posted for public review and comment. One of the requests in the draft asks for waiver of the biennial review of eligibility required under WIOA section 122(c)(2) and 20 CFR sections 680.460, 680.480, and 680.500, and to instead allow Iowa to use a quadrennial review of eligibility.</p> <p data-bbox="540 1193 1059 1225">Registered Apprenticeship Programs</p> <p data-bbox="540 1262 983 1294">20 CFR section 680.470(a) states:</p> <p data-bbox="540 1329 2515 1461">All registered apprenticeship programs that are registered with the U.S. Department of Labor, Office of Apprenticeship, or a recognized State apprenticeship agency, are automatically eligible to be included in the State list of eligible training providers and programs. All registered apprenticeship programs must be informed of their automatic eligibility to be included on the list, and must be provided an opportunity to consent to their inclusion, before being placed on the State list of eligible training providers and programs. The Governor must establish a mechanism for registered apprenticeship program</p>

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	<p>sponsors in the State to be informed of their automatic eligibility and to indicate that the program sponsor wishes to be included on the State list of eligible training providers and programs. This mechanism must place minimal burden on registered apprenticeship program sponsors and must be developed in accordance with guidance from the U.S. Department of Labor Office of Apprenticeship or with the assistance of the recognized State apprenticeship agency, as applicable.</p> <p>20 CFR section 680.470(b) states:</p> <p>Once on the State list of eligible training providers and programs, registered apprenticeship programs will remain on the list:</p> <ol style="list-style-type: none"> (1) Until they are deregistered; (2) Until the registered apprenticeship program notifies the State that it no longer wants to be included on the list; or (3) Until the registered apprenticeship program is determined to have intentionally supplied inaccurate information or to have substantially violated any provision of title I of WIOA or the WIOA regulations, including 29 CFR part 38. <p>Thus, Registered Apprenticeship program eligibility for the ETPL is expressly required under WIOA and not the product of a waiver.</p> <p>Reporting Requirements</p> <p>IWD has developed a draft waiver relating to some ETPL requirements that is currently posted for public review and comment. One of the requests in the drafts asks for waiver of the reporting requirements under WIOA sections 116 and 122, and 20 CFR sections 677.230 and 680.400 through 680.530.</p> <p>5. Appeal process. The original proposal did not include an appeal process for training providers who had been removed from the list. Suggested language providing for an appeal process has been placed in section 'Appeal Procedures', which immediately follows the section entitled 'Denial or Revocation of Eligibility/Conditions for Removal'.</p> <p>We agree with comments raised about the nature of appeals process, and rewrote the process to include first and second level appeal process. The new process is as follows:</p> <p style="text-align: center;">State of Iowa Training Provider Appeal Process</p> <p>Applicability of Appeals Process A training provider may only appeal the following:</p> <ul style="list-style-type: none"> ● denial of eligibility by Iowa Workforce Development (IWD) under <u>WIOA sections 122(b), 122(c), or 122(d)</u> ● termination of eligibility or other action by IWD under <u>WIOA section 122(f)</u> ● denial of eligibility as a provider of on-the-job training (OJT) or customized training by a one-stop operator under <u>WIOA section 122(h)</u>

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	<p>Form of Appeal An ETPL appeal must be in writing and include all of the following:</p> <ul style="list-style-type: none"> ● the name of the provider ● the address of the provider’s primary place of business ● the name and a description of the program, as appropriate ● the basis for the appeal ● all supporting documentation for the appeal in the form of an Appendix, with a table of contents and numbered pages ● either a request for an appeal hearing or a statement waiving the appeal hearing; and ● the signature of an authorized representative of the provider affirming that all of the information provided is accurate <p>A provider’s failure to meet the requirements for the form of an appeal in this Section will result in dismissal of the appeal.</p> <p>Filing of Appeal A provider must file an appeal by hand-delivery or certified U.S. Mail at the following address:</p> <p style="padding-left: 40px;">Iowa Workforce Development Attention: Bureau Chief of WIOA Title I and Trade Act 1000 East Grand Avenue Des Moines, Iowa 50319</p> <p>Timeliness of Appeal</p> <ul style="list-style-type: none"> ● A provider’s appeal must be filed on or before the 21st day after the date of the final determination that is being appealed. If an appeal is not filed within 21 days after the date of the determination being appealed, it is untimely and will not be considered. ● For purposes of determining the deadline, Day 1 is the day after the date of the determination that is being appealed and Day 21 is the 21st day after the date of the determination. For example, if the determination occurred on December 1, any appeal must be filed on or before December 22. ● An appeal is considered filed, for purposes of calculating the deadline, when an appeal that meets the requirements in Section 2 (Form of Appeal) is received by IWD, not when it is mailed. This means that an appealing provider must take into account the amount of time an appeal filed via certified U.S. mail will take to be received by IWD. For example, an appeal that is mailed within 21 days of the determination that is being appealed but not received by IWD until the 22nd day or later after the date of the determination is untimely and will not be considered. ● If the 21st day after the determination that is being appealed falls on a weekend or state holiday, then the deadline to appeal will be the next regular workday. For example, if the 21st day after the determination falls on New Year’s Day and New Year’s Day falls on a Monday, the deadline would be on Tuesday, January 2nd. <p>IWD Consideration</p> <ul style="list-style-type: none"> ● IWD will review the request for appeal within twenty-one (21) days of its receipt. ● If an administrative error was made or if additional information submitted by the training provider changes the basis upon which the original decision to deny or revoke eligibility was issued, the decision may be reversed and the training program(s) granted the appropriate initial or continued eligibility for inclusion on the Eligible Training Provider List (ETPL). ● If IWD reverses its decision, it must notify the training entity of its action in writing within seven (7) days.

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	<ul style="list-style-type: none"> ● If IWD does not reverse its decision to deny or revoke eligibility and inclusion on the ETPL, it must notify the provider within twenty-one (21) days from the receipt of the request that the program(s) was not determined eligible. The notice must be sent in writing by registered mail. The notice will include information about the opportunities for the provider to appeal its denial of eligibility. <p>State Workforce Development Board (WDB) Consideration</p> <ul style="list-style-type: none"> ● A provider may appeal the IWD appeal determination on or before the 21st day following the date of the determination. Any such appeal must meet the requirements for the form of appeal in Section 2 (Form of Appeal). ● The timeliness requirements in Section 4 (Timeliness of Appeal) apply to a second-level appeal. ● The filing of a second-level appeal must be done in accordance with Section 3 (Filing of Appeal). <ul style="list-style-type: none"> ● Within seven (7) days of IWD's receipt of an appeal that meets the form, timeliness, and filing requirements, IWD must transmit the appeal and any documentation in IWD's possession that supports the denial of the appeal to the State WDB. ● If the provider has requested a hearing, the State WDB must conduct a hearing by telephone or in person and issue a decision within sixty (60) days of the hearing. ● If the provider has waived a hearing, the State WDB must review the appeal documents and issue a written determination within sixty (60) days of IWD's transmittal of the appeal file that is sent by U.S. Mail, electronic mail, or both to the provider and IWD. ● If the State WDB overturns IWD's determination, the program(s) will be included on the statewide list within seven (7) days of IWD's receipt of the decision. ● If the State WDB, the provider may re-apply for inclusion on the ETPL in accordance with the State of Iowa ETPL policies and procedures and a future date.
<p>Rick Sanders Region 11 CEO Board 8/1/18</p>	<p>I wish to express concerns regarding the draft wording proposed by IWD for changes to the Eligible Training Provider List policy. I do not believe the changes proposed are necessary, I also question whether the state level WDB technically has authority to make such a change without inclusion of the regional boards. I believe that the proposed reporting requirements for Eligible Training Providers will ultimately cause significant harm to those seeking training assistance. We (Region 11) have many individuals who have successfully pursued new careers after completing training with providers who likely would no longer be able to meet the criteria spelled out in IWD's new language. Even though this language may reflect language recommended by US DOL, I am aware that there have been many states who already have successfully filed and received waivers to suspend these requirements in the best interest of preserving the learner's choice of ETP options. It is my position that it would be in the best interest of those we serve for IWD to request the appropriate waivers from these requirements rather than seek approval of the proposed draft language. I also am concerned that the Iowa Workforce Development Board does not appear to have the authority to enact the proposed wording changes. The draft language indicates that approval of new additions to the ETPL would now be done by IWD rather than the regional boards. This would seem to contradict WIOA, which assigns the approval of ETPs to the regional boards. The state cannot assume these duties unless the regional boards have approved transferring them. It is my position that the proposed wording is invalid because it lacks the authority necessary to implement such an action. In addition, it is my position that any further discussion or consideration of this matter should wait until after the final decision has been made and implemented regarding realignment of the regions. It would be practical to wait until the (4) regions recommended by IWD's realignment subcommittee are established and then ask those four regional boards to vote to enact this change at that time.</p> <p style="padding-left: 40px;">a. IWD is the State agency designated to administer the Iowa ETPL. As such, under 20 CFR section 680.430(b), IWD is responsible for all of the following:</p> <p style="padding-left: 80px;">(1) Ensuring the development and maintenance of the State list of eligible training providers and programs, as described in 20 CFR sections 680.450 (initial eligibility), 680.460 (continued eligibility), and 680.490 (performance and cost information reporting requirements);</p>

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	<p>(2) Ensuring that programs meet eligibility criteria and performance levels established by the State, including verifying the accuracy of the information;</p> <p>(3) Removing programs that do not meet State-established program criteria or performance levels, as described in 20 CFR section 680.480(c);</p> <p>(4) Taking appropriate enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA, as described in 20 CFR section 680.480(a) and (b); and</p> <p>(5) Disseminating the ETPL, accompanied by performance and cost information relating to each program, to the public and the Local WDBs throughout the State, as further described in 20 CFR section 680.500.</p> <p>When developing policies and procedures, in consultation with the State WDB, the WIOA final rules require IWD to solicit and consider recommendations from Local WDBs and training providers, and to receive comments from the public.</p> <p>20 CFR section 680.430(c) sets forth the requirements for Local WDBs with respect to the ETPL and states:</p> <p>The Local WDB must:</p> <p>(1) Carry out the procedures assigned to the Local WDB by the State, such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers and programs, and considering the possible termination of an eligible training provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA requirements;</p> <p>(2) Work with the State to ensure 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 described under WIOA sec. 107(d)(10)(E), serving the local area; and</p> <p>(3) Ensure the dissemination and appropriate use of the State list of eligible training providers and programs through the local one-stop delivery system, including formats accessible to individuals with disabilities.</p> <p>In addition to these requirements, Local WDBs have discretion under 20 CFR section 680.430(d) to do the following:</p> <p>The Local WDB may, except with respect to registered apprenticeship programs:</p> <p>(1) Require additional criteria and information from local providers as criteria to become or remain eligible in that local area; and</p> <p>(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.</p>

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	<p data-bbox="540 140 2521 240">Under the WIOA final rules, IWD has express authority to establish the policies, standards, and procedures contained in the draft ETPL policy. IWD has solicited such recommendations and comments and considered them. IWD appreciates the thoughtful review, recommendations, and comments from Local WDBs, CEOs, training providers, and the public.</p> <p data-bbox="540 277 2521 378">Under the WIOA final rules, Local WDBs are required to perform the procedures assigned to them by IWD and have the discretion to require additional criteria and information from local providers and set higher levels of performance for ETPL qualification in their local areas than those required and set by IWD for the State.</p>