



2 Capitol Mall  
P.O. Box 2981  
Little Rock, AR 72203  
dws.arkansas.gov

Asa Hutchinson  
Governor  
Daryl E. Bassett  
Director

## Proposed Rule Summary

In accordance with Arkansas Code Annotated 25-15-218, the Arkansas Department of Workforce Services is proposing the following policy:

### **Eligible Training Provider Initial Eligibility Certification**

This policy outlines the certification process for new eligible training providers in accordance with the federal Workforce Innovation and Opportunity Act of 2014.

The Arkansas Workforce Development Board (AWDB) serves as the Governor's WIOA State Workforce Development Board. The AWDB's goal is to assist and advise the Governor through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all workforce development programs.

To be included on the Eligible Training Provider List (ETPL), providers must submit an application to the Local Workforce Development Board (LWDB) for the area where they wish to provide training services. A separate application must be submitted for each training program. Also, if applying for a training program to be offered at different training locations, a separate electronic application is required for each training location. Each training program must be on the current *Projected Employment Opportunities List*.

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Policy Number: \_\_\_\_\_ Effective Date: \_\_\_\_\_

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## Eligible Training Provider Initial Eligibility Certification Policy

### Purpose:

The purpose of this policy is to outline the certification process for new eligible training providers in accordance with the federal Workforce Innovation and Opportunity Act of 2014.

### Reference:

The Workforce Innovation and Opportunity Act (WIOA), Section 122.

### Policy:

To be included on the Eligible Training Provider List (ETPL), providers must submit an electronic application to the Local Workforce Development Board (LWDB) for the area where they wish to provide training services. A separate electronic application must be submitted for each training program. Also, if applying for a training program to be offered at different training locations, a separate electronic application is required for each training location. Each training program must be on the current *Projected Employment Opportunities List*.

Providers who may apply to be included on the ETPL include:

- An institution of higher education that provides a program that leads to a recognized postsecondary credential;
- Another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities, if such activities are provided in combination with occupational skills training. These providers must have all appropriate licenses to operate in the State of Arkansas and will be required to submit copies of such licenses. The information will then be verified by the Arkansas Department of Workforce Services (ADWS).

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An entity that carries out programs under the National Apprenticeship Act will be included and maintained on the ETPL for so long as their program remains registered. These providers will be required to contact ADWS to make known their desire to be listed and provide documentation that verifies their program is a registered apprenticeship program certified by the U.S. Department of Labor, Office of Apprenticeship.

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The first step of the process is to determine if a provider is qualified to apply using initial eligibility status. All provider/program combinations that have not been previously eligible under WIOA Section 122 or the Workforce Investment Act Section 122 may apply under these rules.

#### **Projected Employment Opportunities:**

All training must be directly linked to employment opportunities either in the local area or in an area to which the individual is willing to relocate. If a local area does not have a particular occupation on its projected employment opportunities list, they may send a participant to, or a customer may choose, a training provider/program not approved by their LWDB if that participant agrees in writing that s/he would be willing to relocate or commute to become employed in that occupation.

An occupation is considered an employment opportunity for a local area if it appears on the *Projected Employment Opportunities List* for the State or local area as published by the Labor Market Information (LMI) division of the Arkansas Department of Workforce Services. Occupations on an adjacent local area's list, including local areas in other states, may also be considered employment opportunities in the local area. If a local area would like to train in an occupation that is not on their local area's projected employment opportunities list, but is on the list of an adjacent area, they should contact the Labor Market Information division of the Arkansas Department of Workforce Services to have the occupation added within the Arkansas Consumer Report System web site. For local areas in other states, the LWDB must provide the adjacent area's projected employment opportunities list, along with the adjacent state's contact information and the training occupations before the occupations can be added to the Arkansas Consumer Report System.

#### **Required Information for Initial Eligibility:**

The information to be included on the initial application is described below.

1. A description of the training program to be offered including the costs of tuition, books and fees.
2. The program completion rate for all individuals participating in the applicable program to be offered by the provider.  
**To calculate:** The number of all participants who completed the program/course during the reporting period divided by the total number of all participants.
3. If the training provider is in a partnership with business/industry and an explanation of the partnership.
4. If the training program leads to a recognized postsecondary credential and a description of the credential.
5. If the program aligns with in-demand industry sectors and occupations.

#### **The Initial Eligibility Certification Process:**

1. Providers eligible to apply under this section will complete an online electronic application for "initial certification" through the automated Arkansas Consumer Report System (ACRS) located at [www.arkansasacrs.org](http://www.arkansasacrs.org). Providers must apply for each individual program. If

multiple training locations exist, an application must be made for **each location**. Providers may make application to any or all Local Workforce Development Boards (LWDBs) at the same time.

2. The LWDBs will receive the application via Internet file if (1) The program's CIP Code appears on the current *Projected Employment Opportunities List* for the State or Local Workforce Development Area, and (2) Required items are complete and meet minimum qualifications.
3. The LWDB will electronically approve or disapprove each application received via the Internet. The LWDB is responsible for ensuring that the provider's performance information meets or exceeds the State minimum levels.
4. Upon approval by the LWDB, the provider will be automatically placed on the ACRS website as a WIOA Eligible Training Provider for the applicable program.

If the training provider does not have performance data because the training program is a new program, then the provider must submit the following information to the LWDB of application to include:

1. Written justification for the missing data, and
2. The process that will be used to track and record the required information for re-certification.

The LWDB **may choose** to waive the performance documentation requirement in this situation. The LWDB should submit in writing their intentions to do so to the Arkansas Department of Workforce Services LMI division for processing of the application to continue.

LWDBs have the authority to increase the levels of performance required by the State, and require additional verifiable program-specific information from training providers for initial eligibility. The Department of Workforce Services/LMI division must be notified if these levels of performance are increased.

#### **State Minimum Performance Standards for Training Providers**

<b><i>Performance Measure</i></b>	<b><i>Calculation</i></b>	<b><i>State Minimum Level</i></b>
<b>ALL PARTICIPANT PERFORMANCE MEASURES</b> Programs must meet the State minimum level for the performance measure.		
Program Completion Rate	The number of <u>all</u> participants who completed the program during the reporting period divided by the total number of all participants.	19.5 %