



INSTRUCTIONS FOR COMPLETING THE GEORGIA ETP APPLICATION

Training Providers should first consult the Local Workforce Development Area (LWDA) for the appropriate application. LWDAs may have an Eligible Training Provider Application with additional local requirements. The Georgia Eligible Training Provider (ETP) Application may be utilized by LWDAs choosing to use the state application format.

The state application packet includes: General Information, a Proposal Responsiveness Checklist, an Application, and Assurances. Local Workforce Investment Boards (LWDBs) must review all responsive provider applications. If responsive, staff may conduct employer reference checks, program graduate reference checks, and conduct a training observation to ensure that customers receive quality services. LWDAs will input recommended providers/program information into the Georgia Work Ready Online Participant Portal (GWROPP) and alert the Technical College System of Georgia, Office of Workforce Development (OWD) that the provider information is ready for review, acceptance and inclusion on the State Eligible Training Provider Listing (ETPL). If the application is accepted by OWB, a completed provider agreement may be processed and submitted to the provider for signature by an LWDB. Each LWDB will be responsible for local provider policies, processes and agreements. Depending on LWDB policy, new providers may have limited referrals (as determined by the LWDB) until satisfactory performance outcomes are obtained.

Training programs included in the application must exist at the time of application and be approved by the NPEC; the program(s) must be currently available to the general public and not solely dedicated/availed to WIOA customers.

- **To be considered for review, each program must have at least five (5) students who have completed a program of study and obtained training related employment, with documentation available on their employment status. Newly formed programs should wait to apply until this has occurred. New programs without documented completion and employment records will not be reviewed.**
- **Respond to all questions. If the question does not apply indicate “not applicable”. When referring to a catalog or brochure, indicate, “See attached catalog”.**
- **The name of the training institution is the legal name of the entity.**
- **The contact person is the individual who may answer questions concerning the application.**
- **Program descriptions should be completed for each program or course of study. If a provider catalog contains the information requested, please attach.**
- **If the application is submitted via e-mail, it will be necessary to mail a provider certification as well as a catalog of courses of study, or reference website, if available online.**

Detailed Eligible Training Provider Policies may be found in Section 4.4 of the Workforce Policies and Procedures Manual ([attached](#)).

Workforce Innovation and Opportunity Act Glossary and General Information

Workforce Innovation and Opportunity (WIOA): WIOA will help job seekers and workers access employment, education, training and support services to succeed in the labor market and match employers with the skilled workers they need to compete in the global economy. The purposes of WIOA include:

- Increasing access to and opportunities for the employment, education, training and support services that individuals need, particularly those with barriers to employment;
- Supporting the alignment of workforce investment, education and economic development systems, in support of a comprehensive, accessible, and high quality workforce system;
- Improving the quality and labor market relevance of workforce investment, education and economic development efforts;
- Promoting improvement in the structure and delivery of services;
- Increasing the prosperity of workers and employers;
- Providing workforce development activities that increase employment, retention and earning of participants and that increase post-secondary credential attainment and as a result, improve the quality of workforce, reduce welfare dependency, increase economic self-sufficiency, meet skill requirements of employers and enhance productivity and competitiveness of the nation.

WIOA Services: A customer may access the array of services and program information available on the statewide ETPL and may choose from a variety of Eligible Training Providers. There is no guarantee that a customer will enroll in a specific course or program of study after referral. It is the responsibility of the customer and the career adviser to develop a career plan. A customer may be determined WIOA eligible during WIOA career services. If it appears that the customer is eligible and suitable for provider training, they will be approved for enrollment by LWDA staff. Once approved for enrollment, LWDA staff will provide written authorization to both the customer and the training organization through an Individual Training Account (ITA).

Career Services: Services that LWDA's are responsible for providing for adults and dislocated workers under WIOA. Career services may include initial assessment of skill levels, job search and placement assistance, provision of information on in-demand sectors and occupations, information on nontraditional employment, labor market information, provision of information about the performance and cost of education and training providers in the area, career counseling, information about filing unemployment compensation claims, information relating to the availability of supportive services such as child care and transportation, specialized assessments of individual skill levels and service needs, individual or group counseling and career planning, development of an individual employment plan, short-term job-readiness activities, literacy activities related to basic workforce readiness, etc.

Credentialing: WIOA performance standards now include the attainment of recognized post-secondary credential received by participants. It is the Provider's responsibility to assure that Credentialing goals are obtained for each student.

All training programs must prepare WIOA participants through job training and preparation to sit for testing in order to achieve attainment of industry-recognized credentials as specified by WIOA. Such nationally recognized industry, association or organizations include:

- A state education body
- An institution of higher education eligible to participate in federal financial aid programs
- A registered apprenticeship
- A public regulatory agency
- A professional, industry or employer association

Eligible Training Provider: An organization, entity, or institution, such as a public or private college and university, community-based organization, or proprietary school whose application has been approved by the local workforce Board and submitted to the state for inclusion on the state ETPL to provide training services through the use of an ITA or training provided (WIOA exception) through a contract for services. Reference NPRM sec.680.410

Eligible Training Provider List: A statewide compilation of providers that are approved to provide services through the One-Stop system described by WIOA. These lists contain consumer information, including cost and performance information for each provider, so that customers may make informed choices.

Initial Eligibility for New Providers:

All providers that were not previously approved as an eligible training provider under WIA (except Registered Apprenticeship programs) must submit required information to be considered for initial eligibility under WIOA. Under WIOA, providers may receive initial eligibility for only one year for a provider specific program.

Apprenticeship Programs registered under the National Apprenticeship Act (NAA) are exempt from initial eligibility procedures. Registered apprenticeship programs must be included and maintained on the list of eligible providers of training services as long as the corresponding program remains registered. See Section on Registered Apprenticeship Programs)

For providers seeking initial eligibility, verifiable program specific performance information must be provided. Applicants must provide the following:

1. A detailed description of each training program to be considered
2. Performance information for each training program will include (See Required Performance Information below)
 - a. Median earnings
 - b. Average wage at placement
 - c. Attainment of Post-Secondary Credential
 - d. Completion rate
 - e. Employment rate
 - f. Training Related Employment Rate
3. Describe in detail provider partnerships with business
4. Describe the recognized post-secondary credential attained after training completion
5. Describe how the training program(s) aligns with in demand industries and occupations
6. A provider must also comply with the following to be considered for inclusion on the ETPL:
 - a. In business for at least 6 months prior to the initial application and have a current business license or proof of active compliance with the Secretary of State Corporations Division.
 - b. Training must be available to the general public, have published catalog price structures and each program must have completed and placed in training related employment at least 5 students per program.
 - c. Current of all federal and state taxes (Must supply certification from accounting/tax firm of current tax standing regarding federal and state taxes, including Unemployment Insurance taxes).
 - d. In statutory compliance with the laws of the state related to the operation as a training of education institution. Proprietary colleges or schools operating in Georgia are required by the Nonpublic Post-Secondary Educational Institution Act of 1990 to have a certificate of authorization from the NPEC before beginning operation of advertising in the state.
 - e. Provide documentation of current accreditation/authorization.
 - f. In good standing with the Better Business Bureau with no outstanding complaints.
 - g. Not be found in fault in criminal, civil or administrative proceeding related to its performance as a training or educational institution. Must disclose any pending criminal, civil or administrative proceeding as either a defendant or a respondent.

- h. Disclose any and all conflicts of interest with state or local LWDB staff or Board members, including but not limited to family ties (spouse, child, parent), fiduciary roles, employment or ownerships interests in common.
- i. Include a current federal tax identification number.

<u>STUDENTS PAST PERFORMANCE INFORMATION – past 12 months period</u>	Minimum Standard	<u>Definition</u>
<u>Must pass two of six measures</u>		
<u>Median Earnings</u>	<u>\$11.50</u>	The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
<u>Average Wage at Placement</u>	<u>\$10.70</u>	Average wage at placement of completers obtaining employment during the above period
Attainment of Post-Secondary Credential	<u>60%</u>	The percentage 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
Completion Rate	<u>70%</u>	Program completion rate for student completing all coursework and exams
Employment Rate	<u>70%</u>	Employment rate for all students completing the program coursework
Training-Related Employment Rate	<u>70%</u>	Percent of completers exiting the program who have obtained training related employment

Each LWDB may set minimum standards applicable to their local areas.

Registered Apprenticeship: Under WIOA, Registered Apprenticeship programs that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they are subject to a detailed application and vetting procedure to become a Registered Apprenticeship program with the United States Department of Labor.

Notice of Denial of Eligibility or Removal: Please see Workforce Policies and Procedures Section 4.4.7 ([attached](#)).

Continued Eligibility: WIOA requires a re-determination of ITA program eligibility through a “continuing eligibility” process. For a program to remain eligible to receive ITA funds for new enrollments, the State shall compare program-level performance outcomes against established minimum standards, covering the preceding program year. The State reserves the right to request sufficient information to complete continuing eligibility on any provider.

Newly eligible WIOA training providers that were determined to be initially eligible under WIOA will be subject to the application procedure for continued eligibility after their initial year of eligibility expires.

Individual Training Account: A training plan obligation and expenditure account established on behalf of a WIOA eligible participant to establish a plan for payment for a program of training services, which may include tuition, books and fees.

Provider Entry Criteria: Training providers will be held accountable to meet certain performance standards established by the State and LWDA and will qualify for the ETPL on performance. Training providers have responsibility in assessing the current skills, education and experience of candidates and providing training and employment for customers. Provider entry requirements will be a critical factor in establishing and attaining successful performance. They should be established with a purpose of determining whether the customer's current skills, education, experience, etc. will enable them to complete the training program, obtain the knowledge and skills necessary to receive certification, as well as obtain training-related employment with wages that meet standards and promote self-sufficiency.

Providers should be aware that entry requirements for reading, math and language should match those appearing on the ETPL. The Program Description, submitted by the Provider, contains all information regarding entry criteria. Testing for reading, math and language should be comparable to the Tests of Adult Basic Education (TABE). Letters of acceptance should include a statement that the student has met the entry requirements as stated on the ETPL. Persons not meeting the stated ETPL entry requirements should not attend training until the appropriate levels are achieved.

If customers are eligible for grants and scholarships such as the PELL Grant or HOPE Scholarship, applications must be made for these funds so that funds may be combined to provide for total costs of training expenses.

Program of Training Services: A program of training services is: (a) one or more courses or classes that, upon successful completion, leads to (a) a recognized post-secondary credential, secondary school diploma or its equivalent, (b) training-related employment, or (c) measurable skills gains toward such credential or employment.

PROVIDER/PROGRAM APPLICATION RESPONSIVENESS CHECKLIST

IF ORGANIZATION IS UNABLE TO MEET ANY REQUIREMENTS OF THE RESPONSIVENESS CRITERIA LISTED BELOW, THE PROGRAMS WILL NOT BE REVIEWED AND WILL BE CONSIDERED NON-RESPONSIVE.

NAME OF PROVIDER

REQUIREMENTS

- Must be in statutory compliance with the laws of this state as related to its operation as a training or educational institution
- Must have been in business for at least six months prior to initial application and must maintain legal active status to conduct business, evidenced by a current business license and/or proof of active compliance with the Secretary of State Corporations Division (attach to application).
- Must supply certification from accounting/tax firm of current tax standing regarding Federal and State taxes, including Unemployment Insurance (UI) taxes.
- Must be in good standing with the Better Business Bureau with no outstanding complaints.
- Must not be found in fault in criminal, civil, or administrative proceeding related to performance as a training or educational institution. Must disclose any pending criminal, civil or administrative proceeding as either a defendant or a respondent (sign Debarment Statement, Attachment A).
- Must disclose any and all conflicts of interest with state, or local LWDB staff or Board Members, including, but not limited to family ties, (spouse, child, parent), fiduciary roles, employment, or ownership interests in common.
- All applications must include the current federal tax identification number (the number used to file employee income taxes with the Internal Revenue Service).
- To be considered for review, each program must have at least five students who have completed the program and obtained training related employment, with documentation available on employment status. Newly formed programs should wait to apply until this has occurred. New programs without documented completion and employment records will not be reviewed.

TRAINING PROGRAM CRITERIA

- Training skills are specific and in demand in the labor market.
- A recognized post-secondary credential is attained after program completion
- The program/s are existent, ongoing and continuous.
- The training programs are open to the general public, have published catalog price structures and are not solely dedicated/availed to WIOA customers.
- Job search and/or placement assistance is provided by the organization.
- The organization does not appear on current federal, state or local debarment and suspension lists.
- The provider assures that the proposed training facility is handicapped accessible or are reasonable accommodations made for provision of services to handicapped individuals.

NPEC AND/OR OTHER ACCREDITATION/AUTHORIZATION

- All program requests must be currently approved by NPEC
(Include copy of NPEC certification for each program)**

Proprietary colleges or schools operating in Georgia are required by the Nonpublic Post-Secondary Educational Institutions Act of 1990 (NPEIA) to have a certificate of authorization from the Georgia Nonpublic Post-Secondary Education Commission (NPEC) before beginning operation or advertising in the state. This certificate must be renewed annually. The NPECs' primary purpose is to ensure that each authorized college or school is educationally sound and financially stable.

Nonpublic Degree Granting Post-Secondary Educational Institutions in Georgia - The Nonpublic Post-Secondary Educational Institutions Act of 1990 provides that a post-secondary educational institution must apply for and be granted a Certificate of Authorization before beginning operation or advertising in Georgia. NPEC must authorize each degree program. Following initial authorization, the institution's Certificate must be renewed annually. Any institution operating or advertising to begin operation without acquiring the necessary Certificate of Authorization is in violation of Georgia law, and shall be subject to civil penalties.

Nonpublic Non-Degree Granting Post-Secondary Institutions in Georgia – Any instructional program defined as a proprietary school according to the Nonpublic Post-Secondary Educational Institutions Act of 1990 must apply for and be granted a Certificate of Authorization before beginning operation or advertising in Georgia. Following initial authorization, the institution's Certificate must be renewed annually. Any institution operation or advertising to begin operation without acquiring the necessary Certificate of Authorization is in violation of Georgia law, and shall be subject to civil penalties.

NPEC allows exemptions when another governmental agency is providing oversight. For example, the Georgia Department of Safety provides oversight of Truck Driver Training Programs. Proprietary schools interested in becoming a WIOA ITA provider will need to contact NPEC to begin the authorization process.

For additional information concerning NPEC, please contact:

Laura S. Vieth, Deputy Director
Nonpublic Post-Secondary Education Commission
2082 East Exchange Place, Suite 220
Tucker, GA 30084
(770) 414-3300
<http://www.gnpec.georgia.gov>

Check below the agency/agencies providing accreditation/authorization for your organization and attach a copy of the certification document.

- Nonpublic Post-Secondary Education Commission (NPEC)
- Georgia Healthcare Partnership (GHP/GMCF)
- Department of Public Safety (DPS)
- Other(s): _____

- Provide licensure documentation if another governmental agency is providing oversight (i.e., GA Public Safety or GA Medical Care Foundation).
- Attach a copy of the credential and a confirming statement that graduates of the program may sit for the Credential Examination.

ATTACHMENTS TO APPLICATION

The following items have been included as an attachment to the application:

- Program Description(s)
- Signed EEO and Conflict of Interest Assurances
- Catalog or Brochure
- Current Business License *
- Schedule of Classes
- NPEC Certification *
- Debarment Form
- Accreditation/Authorization Documents (Include authorizing agency description) *
- Copies of credential(s) to be received by students
- Published Course Price Listing (Copy of catalog or website page, if price included)
- Training Provider Relationship Disclosure

*Please attach if applicable to your organization.



Individual Training Account (ITA) Provider/Program Application

ITA Provider Information

Training Provider Name	
Address	
City	
State	
Zip	
County	
Website (URL)	
Authorization/Accreditation	
Federal Tax ID # (999999999)	
Year Business Established	
Contact Name, Title	
Phone (999-999-9999)	
Fax (999-999-9999)	
Email	

Financial Aid

Pell Grant	Yes	No
Hope Scholarship	Yes	No
Other, Please Specify (Title IV, Sallie Mae, etc.)	Yes	No

Complete separate copies of the following 4 pages for **EACH PROPOSED PROGRAM.**

Program Information

Program Title	
Program Description (Describe or attach)	
Program Specific Authorization/Accreditation	
Credential Earned	Please complete form on the following page for <u>each</u> program

Credentials for Each Program Requested for Georgia Eligible Training Provider List

Training Provider Name: _____

Program	Credential Name	Organization Granting Credential	Price of Exam	Address & Contact Information of Organization Granting Credential

Attach a copy of the credential and a confirming statement that graduates of the program may sit for the Credential Examination

Published Program Cost (as advertised to the general public via website & catalog)

Item		Cost		
Supplies				
Supplies Total		\$		
Books – list each one				
Name				
ISBN Number				
Name				
ISBN Number				
Books Total		\$		
Test Fees (List Name of Exam)				
Test Fees Total		\$		
Fees (List all fees)				
Fees Total		\$		
Tuition		\$		
Total Program Cost		\$		
Program Duration				
Number of Weeks	(Classroom) Curriculum Hours	Other (Specify Internship/Externship Hours Separately)		
Entry Criteria: Tests of Adult Basic Education (TABE) assesses basic reading, math and language skills and provides Grade equivalent scores.				
High School Diploma Required	Reading Level	Math Level	Language Level	Other Entry Requirements (Please List)
Yes No				

Number of completed programs the Training Provider has conducted: _____	Number of Students	%/\$	State minimum Requirement
Total Students past 12 months			
Median Earnings After Placement (median weekly earnings of program completers placed in unsubsidized employment during the second quarter after exit from the program)		\$	\$ 11.50
Average Wage at Placement (average wage at placement of completers obtaining employment during the past 12 months)		\$	\$ 10.70
Attainment of Post-Secondary Credential (number and percent of completers exiting the program who obtained a recognized post-secondary credential (diploma, certificate or license) during participation in or within 1 year after exit from the program)	/ %		60%
Completion Rate (number and percent of total students exiting during the last 12 months who met the program's completion requisites)		%	70%
Employment Rate (number and percent of completers exiting the program during the last 12 months who obtained employment)		%	70%
Training-Related Employment (number and percent of completers exiting the program during the last 12 months who have obtained training related employment)		%	70%

Must include performance data on at least 5 students per program (use single sheet per program):

(Employers listed will be contacted)

Graduate and Employer References

Graduate Name	Graduate Phone Number	Employed By	Employer Contact Name	Employer Phone Number

CERTIFICATION

I hereby certify that the information provided in this Application package is true and correct. I also understand that my organization may be subject to an on-site review of training and facilities, and may be asked to provide supporting documentation before the final execution of an agreement. I assure that proposed training facilities are disabled accessible or reasonable accommodations will be made for the provision of services to disabled individuals. I assure that costs as described as the same as those published for the general public.

Name (Printed) and Title

Signature

Date

EEO ASSURANCE

As a condition to the award of financial assistance from the Technical College System of Georgia, Office of Workforce Development, under WIOA, the applicant assures that it will comply with the nondiscrimination and equal opportunity provisions of the following laws:

The U.S. Department of Labor (Department) is issuing nondiscrimination and equal opportunity regulations to implement Section 188 of the Workforce Innovation and Opportunity Act (WIOA). Under Section 188(e) of WIOA, Congress required the Department to issue regulations implementing Section 188 no later than one year after enactment of WIOA. The Department's publication of this final rule complies with the statutory mandate. This final rule creates a new part in the CFR, which mirrors the regulations published in the CFR in 1999 to implement Section 188 of WIA. The Department has made no substantive changes in this final rule; the changes are technical in nature. This final rule adopts the Department's regulatory scheme for Section 188 of WIA verbatim, with technical revisions to conform to WIOA. Specifically, the Department has: Replaced references to the "Workforce Investment Act of 1998" or "WIA" with "Workforce Innovation and Opportunity Act" or "WIOA" to reflect the proper statutory authority; and updated section numbers in the text of the regulation to reflect its new location.

Section 188 of WIA prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of age, and The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

Name (Printed) and Title

Signature

Date

STANDARDS OF CONDUCT ASSURANCE:

The Training Provider agrees that in administering Workforce Innovation and Opportunity Act funded training services, it will comply with standards of conduct that maintain the integrity of the program in an impartial manner, free from personal, financial or political gain by avoiding situations which suggest that any decision was influenced by prejudice, bias, or special interest.

Name (Printed) and Title

Signature

Date

ATTACHMENT A
Standard Certifications Regarding Debarment, Suspension, Ineligibility
And Voluntary Exclusion Form

This certification is required by the regulation implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98 Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

(BEFORE SIGNING CERTIFICATION, READ ATTACHED INSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

- (1) The prospective primary certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining; attempting to obtain, or performing a public Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or Local) termination for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach and explanation to this proposal.

Name and Title of Authorized Representative

Signature

ATTACHMENT B
Technical College System of Georgia, Office of Workforce Development
Policies and Procedures

4.4 WIOA ELIGIBLE TRAINING PROVIDERS AND PROGRAMS LIST PROCEDURES

Purpose and Scope

The purpose is to provide guidance to Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs) and all training providers regarding the Eligible Training Provider (ETP) requirements under WIOA. The document provides guidelines for initial and continued eligibility of training providers, state requirements for training providers' performance, data reporting and training provider removal provisions.

Background

WIOA requires the Governor, through the Technical College System of Georgia's Office of Workforce Development (OWD), to establish criteria, information requirements and procedures regarding the eligibility of providers of training services to receive funds under Section 122(b) of WIOA.

WIOA emphasizes informed customer choice, job-driven training, program performance and continuous improvement. The quality and selection of training programs is vital to achieving these core principles. The State Eligible Training Provider/Program List (ETPL), including performance and cost information, is publicly available online through OWD's website with a searchable database to serve all significant populations groups.

OWD's responsibilities include:

- Establishing eligibility criteria, information requirements and procedures which identify the roles of the State and LWDAs in determining the eligibility of providers and programs to receive funds through Individual Training Accounts (ITAs);
- Developing and maintaining the State ETPL including initial and continued eligibility and performance and cost information reporting;
- Ensuring programs meet eligibility criteria and performance levels, including accuracy of the information;
- Removing programs that do not meet State established criteria or performance levels;
- Taking appropriate enforcement actions against providers that intentionally provide inaccurate information or substantially violate WIOA requirements; and
- Disseminating the State ETPL, including performance and cost information, to the general public and the LWDAs throughout the State.

LWDBs responsibilities include:

- Determining initial eligibility of entities providing training programs and considering the possible termination of providers due to submission of inaccurate eligibility and performance information or a substantial violation of WIOA requirements;
- Working with OWD to ensure sufficient numbers and types of providers of training services exist, including providers with expertise in assisting adults in need of adult education and literacy activities;
- Ensuring the dissemination and use of the State ETPL, including formats accessible to individuals with disabilities;
- Requiring additional criteria and information from providers to become eligible in that local area, if desirable; and
- Setting higher levels of performance than those required by OWD as criteria for local programs to become or remain eligible to provide services in the local area, if desirable.

4.4.1 TRAINING PROVIDERS AND PROGRAMS SUBJECT TO ETP REQUIREMENTS

Eligible Training Providers (ETP) are entities that make available programs which are eligible to receive WIOA funds for adults and dislocated worker participants who enroll in training programs through Individual Training Accounts (ITAs). ITAs may also be utilized for WIOA youth funds to provide training for older, out-of-school youth ages 18-24. To be eligible to receive training funds, the ETP shall be one of the following:

- Post-secondary education institutions that provide a program which leads to a postsecondary credential;
- Entities that carry out programs registered through the National Apprenticeship Act (Registered Apprenticeship programs);
- Other public or private training providers, which may include: community-based organizations, joint labor-management organizations, pre-apprenticeship programs and occupational/technical training;
- Eligible providers of adult education and literary activities, if combined with skills training; or
- Local Workforce Development Boards (LWDBs), if they meet the conditions of WIOA sec. 107(g)(1).

4.4.2 ELIGIBLE PROGRAMS OF TRAINING SERVICES

A training services program is defined as one or more courses or classes or a structured regimen that leads to an industry recognized certificate or credential, a certificate of completion of a registered apprenticeship, a license recognized by the state or federal government, an associate or baccalaureate degree, a secondary school diploma or its equivalent, employment or measureable skill gains toward such a credential or employment.

Not all allowable types of training services are subject to the requirements of the training provider provisions. Contracts for services may be utilized instead of ITAs only when one or more of the following five exceptions apply and the LWDB has fulfilled the consumer choice requirements of 20 C.F.R. § 680.340:

- A. When the services provided are on-the-job training, customized training, incumbent worker training, transitional employment, internships, paid or unpaid work experience;
- B. When the LWDB determines that there is an insufficient number of eligible providers in the local area to accomplish the purposes of a system of ITAs. The determination process must include a 30-day public comment period and be described in the local plan;
- C. When the LWDB determines that there is a training program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment. The LWDB must develop criteria (as noted in 20 C.F.R. § 680.320) to be used in determining demonstrated effectiveness, particularly as it applies to individuals with barriers to employment;
- D. When the LWDB determines that it would be most appropriate to contract with an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit customer choice;
- E. When the LWDB is considering entering into a pay-for-performance contract and the Local WDB ensures that the contract is consistent with § 683.510 of this chapter or
- F. When an LWDB may provide training services only if it submits a request to the State for a waiver. The proposed request should be made available to eligible training providers and the general public for public comment no less than 30 days. Public comments must be included with the request. The request will include: evidence that there are an insufficient number of eligible provider of such a program of training services to meet local demand, information that the board meets the requirements for an eligible training provider under WIOA Section 122, and information that training will prepare participants for an in-demand industry sector or occupation in the local area.

4.4.3 TRAINING PROVIDERS ELIGIBLE BEFORE THE WIOA TRANSITION

PERIOD

Per TEGL 41-14 Change 1, USDOL extended the period for WIA ETPs to remain eligible under WIOA. ETPs currently eligible to provide training services under WIA continue to be eligible to provide such services until June 30, 2016. Continuing eligibility determinations for current ETPs was completed prior to June 30, 2016.

NOTE: Automatic approval of higher education institutions (TCSG and USG institutions) or NFJP grantees is not permitted under WIOA. Current ETP programs offered by TCSG and USG continue to be eligible through June 30, 2016. TCSG and USG providers were assessed for continued eligibility on June 30, 2016 and will be assessed biennially under WIOA.

4.4.4 INITIAL ELIGIBILITY FOR NEW TRAINING PROVIDERS OR PROVIDERS SUBMITTING NEW PROGRAMS

I. New Training Providers/Programs

All ETPs that were not previously approved as eligible under WIA (except Registered Apprenticeship programs) must submit the required information to be considered for initial eligibility under WIOA. Under WIOA, ETPs may receive initial eligibility for only one year for a ETP-specific program. For potential ETPs seeking initial eligibility, verifiable program-specific performance information must be provided.

WIOA requires that programs, not ETPs, be approved for ITAs. Therefore, potential ETPs must submit an application for each course of study or program.

Potential ETPs submitting initial eligibility applications should submit training program applications directly to a LWDB. Training program applications will be reviewed and evaluated by an LWDB. If the program application is approved by an LWDB, the program is submitted to OWD for review, approval and placement on the State ETPL.

Program applications need only be made with one LWDB for possible inclusion on the State ETPL. Once approved for placement on the State ETPL, an approved program is available to all Georgia LWDBs and cooperative States.

A generic application and instructions can be accessed at www.workreadyga.org. Information regarding LWDBs is also available on the website. Additionally, some LWDA's have additional, more stringent eligibility requirements. If a potential ETP is within that LWDA, the potential ETP must meet the LWDA's more stringent eligibility requirements. Potential ETPs should check with their LWDB to ascertain application requirements for information specific to that LWDA.

The current State ETPL can be accessed at: www.workreadyga.org

An Applicant must provide the following:

7. A detailed description of each training program – Provide information that the program is a high quality program, which can include information related to training services that lead to a recognized post-secondary credential, or a wage more than 150% of the Georgia self-sufficiency wage (\$10.88), or successful outcomes across all population groups;
8. Performance information for each training program will include:
 - Median earnings;
 - Average wage at placement;
 - Attainment of post-secondary credential;
 - Completion rate;
 - Employment rate; and
 - Training-related employment rate.
9. Describe in detail applicant's partnerships with business;
10. Describe the recognized post-secondary credential attained after training completion;
11. Describe how the training program(s) aligns with in-demand industries and occupations;
12. LWDA's must verify that the Applicant complies with the following to be considered for inclusion on the State ETPL:
 - a. Applicant must have been in business for at least six months prior to the initial application and must have a current business license or proof of active compliance with the Secretary of State Corporations Division;
 - b. Training programs must be available to the general public, have published catalog price structures;
 - c. Training facilities must comply with ADA requirements for accessibility and reasonable accommodation;
 - d. Each training program must have proven outcomes and have successful program completions and training-related employment for at least five students per program;
 - e. Applicant must be current on all federal and State taxes (Must supply certification from accounting/tax firm of current tax standing regarding federal and State taxes, including Unemployment Insurance taxes);
 - f. Applicant must be in statutory compliance with the laws of the State related to operation as a training education institution. Proprietary colleges or schools operating in Georgia are required by the Nonpublic Post-Secondary Educational Institution Act of 1990 to have a certificate of authorization from the NPEC before beginning operation or advertising in the state;
 - g. Applicant must provide documentation of current accreditation/authorization;

- h. Applicant must not have been found at fault in criminal, civil or administrative proceeding related to its performance as a training or educational institution. Must disclose any pending criminal, civil or administrative proceeding as either a defendant or a respondent;
- i. Applicant must disclose any and all conflicts of interest with State or LWDB staff or board members including, but not limited to family ties (spouse, child, and parent), fiduciary roles, and employment or ownership interests in common; and
- j. All applications must include a current federal tax identification number.

<u>STUDENTS PAST PERFORMANCE INFORMATION – past 12 months period</u>	<u>Minimum Standard</u>	<u>Definition</u>
Must pass two of six measures		
Median Earnings	<u>\$11.50</u>	The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
Average Wage at Placement	<u>\$10.70</u>	Average wage at placement of completers obtaining employment
Attainment of Post-Secondary Credential	<u>60%</u>	The percentage of program participants who obtain a recognized post-secondary credential or a secondary school diploma or its recognized equivalent during participation in or within one year after exit from the program
Completion Rate	<u>70%</u>	Program completion rate for students completing all coursework and exams
Employment Rate	<u>70%</u>	Employment Rate for all students completing the program coursework
Training-Related Employment Rate	<u>70%</u>	Percent of completers exiting the program who have obtained training-related employment

LWDAs must develop a Pre-Award Checklist to be conducted prior to recommendation for a Provider/Program inclusion on the ETPL. The Checklist should include an on-site visit to access compliance with ADA accessibility and reasonable accommodations. The Data and Information team may conduct yearly random assessments of this process.

Local Workforce Development Boards may require additional information or may set additional standards which may be higher than the State standards.

II. Currently approved ETPs proposing new training programs

ETPs interested in adding additional, new training programs must complete an initial eligibility application for each new program.

4.4.5 REGISTERED APPRENTICESHIP PROGRAMS

I. Automatic Eligibility

Under WIOA, all Registered Apprenticeship (RA) programs that are registered with the USDOL Office of Apprenticeship (OA) are automatically eligible to be included on the State ETPL. RA programs are not subject to the same application and performance information requirements nor subject to a period of initial eligibility as other ETPs because they go through a detailed application and vetting procedure to become a registered apprenticeship program sponsor with USDOL/OA.

All RA programs will be informed of their automatic eligibility to be included on the State ETPL and will be provided an opportunity to consent to inclusion, before being placed on the State ETPL. The State will work with OA to develop a mechanism to contact all RA programs within the State regarding inclusion on the State ETPL. OWD will work with the OA to collect information (to populate the State ETPL) on newly OA registered apprenticeship programs on a quarterly basis. Information required to populate the State ETPL includes: Occupations; name/address of program sponsor; name/address of instructional provider if different from the sponsor; method and length of instruction; and number of active apprentices.

II. Performance

There are no WIOA performance requirements for RA programs and RA programs are not required to provide ongoing reports to the State or LWDBs. OWD will work in concert with the OA to encourage voluntary reporting of performance information.

RA programs must remain registered and in good standing with the OA to remain on the State ETPL. OWD will work in concert with the OA to verify registration status.

LWDAs may not impose additional criteria, information or reporting requirements on RA programs. Additionally, if an LWDA has a local ETPL, RA programs should be included and should be noted as 'in-demand occupations'. If an issue arises, LWDAs should contact OWD for assistance.

III. Continued Eligibility

RA program sponsors appearing on the State ETPL will remain there as long as the program is registered or until the program sponsor notifies the OWD that it no longer wants to be included on the State ETPL. However, RAs may be removed if determined to have intentionally supplied inaccurate information or to have substantially violated any provision of Title I of WIOA (e.g., civil rights of discrimination violations) or the WIOA regulations, including 29 C.F.R. part 38. An RA

program whose eligibility is terminated due to intentionally supplying inaccurate information or substantially violating WIOA provisions will be terminated for not less than 2 years and is liable to repay all youth, adult and dislocated worker training funds, if received during the period of noncompliance.

If instances of substantial violation are reported to OWD, OWD will work in concert with the OA to make the determination of ineligibility. The opportunity for an appeal and hearing is described in the ETPL Appeal Procedures.

Biennial review will include verification of the registration status of RA programs and removal of any RA programs that are not currently registered or do not wish to continue as ETPs. Although RA programs are not required to provide ETP Performance reports, voluntary reporting of performance information is encouraged under WIOA regulations and outcomes for WIOA participants in WIOA funded RA programs must be included in the State's annual performance report. WIOA § 116 (d)(2)

4.4.6 CONTINUED ELIGIBILITY PROCEDURES

This section addresses procedures for continuing eligibility for ETPs previously approved under WIA that are transitioning into WIOA and newly ETPs under WIOA. ETPs previously approved under WIA are subject to the application procedures for continued eligibility as of June 30, 2016.

New ETPs that were determined to be initially eligible under WIOA will be subject to the application procedure for continued eligibility after their initial year of eligibility expires.

WIOA Sections 116 and 122 and 20 C.F.R. § 680 detail the continuing eligibility criteria that States must take into account. However, until data from the conclusion of each WIOA performance indicator's first data cycle is available, the State has set minimum performance criteria. Once ETPs have two years of performance outcomes using the WIOA performance indicators specified in WIOA Section 116, the State will utilize the WIOA performance indicators for continuing eligibility.

I. Review of Minimum Performance Outcomes Required for Continued Eligibility (to be utilized until WIOA performance data is available).

For the Transition Year, ETPs are not required to complete a Continued Eligibility Application. For a program to remain eligible to receive ITA funds for new enrollments after June 30, 2016, the State utilized data available through the Georgia Work Ready Online Participant Portal (GWROPP) to compare program level performance outcomes against established minimum State standards, covering the preceding program year. Programs with an enrollment of at least 10 students were evaluated for continuing eligibility.

In addition to the evaluation of performance information for the past program year, for those programs not meeting performance for the past program year, an additional evaluation reviewed

performance for the previous two program years to ascertain if failing to meet performance standards occurred in the past.

If approved, a program's continuing eligibility will extend until the biennial WIOA performance measurement review. If not approved, an ETP will be notified by OWD that the program will be removed from the State ETPL. The LWDA in which the program resides will also be notified.

<u>ALL WIOA STUDENTS PAST PERFORMANCE INFORMATION – Preceding program year</u>	<u>Minimum Standard</u>	<u>Definition</u>
Must pass three of six measures		
Median Earnings	<u>\$11.50</u>	The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
Average Wage at Placement	<u>\$10.70</u>	Average wage at placement of completers obtaining employment
Attainment of Post-Secondary Credential	<u>60%</u>	The percentage of program participants who obtain a recognized post-secondary credential or a secondary school diploma or its recognized equivalent during participation in or within one year after exit from the program
Completion Rate	<u>70%</u>	Program completion rate for students completing all coursework and exams
Employment Rate	<u>70%</u>	Employment rate for all students completing the program
Training-Related Employment Rate	<u>70%</u>	Percent of completers exiting the program who have obtained training-related employment

Local Workforce Development Boards may set additional standards which are higher than the state standards. An LWDB may remove a program of training services from the local ETPL (Not the State ETPL) for failure to meet those higher, local standards.

Performance data is tracked through OWD's data management system; however, ETPs may be asked to provide additional continuing eligibility information.

II. Use of Quarterly Wage Records

WIOA requires the use of quarterly wage record information in measuring the progress of State adjusted levels of performance. The use of participants' social security numbers and other sensitive information necessary to measure the participants' through quarterly wage record information is authorized by WIOA. OWD reserves the right to request participants' information

from the ETP, if necessary. OWD assures ETPs that any participants' social security number transmitted and resulting UI Wage File data will be: used only to prepare aggregate program performance reports as required under WIOA; not disclosed in any personally identifiable form; safeguarded while OWD is in possession of the same; and destroyed when no longer needed for the purposes of complying with WIOA. In addition, disclosure of personally identifiable information from an education record must be carried out in accordance with the Family Education Rights and Privacy Act, including the circumstances related to prior written consent.

Per Training and Employment Guidance Letter Number 39-11, "personally identifiable information and other sensitive information are required to be protected. Therefore, any transmission of such information shall be encrypted using a Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Standards and Technology (NIST) validated cryptographic module. For further information, reference FIPS PUB 140-2."

4.4.7 NOTICE OF DENIAL OF ELIGIBILITY OR REMOVAL

OWD will be responsible for making ETP removal determinations for ETPs on the State ETPL under the following conditions:

- I. Supplying inaccurate information (If inaccurate information regarding a program is intentionally supplied to a LWDB or OWD.)
 - A. If instances of intentionally supplying inaccurate information are reported to OWD, OWD will work in concert with the LWDB to make the ineligibility determination.
 - B. The ETP may be excused if the inaccurate information was supplied unintentionally, but the burden for proving the inaccurate information supplied was unintentional rests with the ETP.
 - C. If warranted, a termination of eligibility will occur and will remain in effect for a minimum of two years.
- II. Substantial violation
 - A. If a LWDB or OWD determines that an ETP has substantially violated any requirements under WIOA (e.g., civil rights or discrimination violations), including failure to provide timely and accurate information for the ETP report and for initial and continued eligibility, or other State or federal laws, regulations or requirements.
 - B. If instances of substantial violation are reported to OWD or the ETP fails to provide timely and accurate information for the ETP report, OWD will work in concert with the LWDB to make the determination of ineligibility.
 - C. Repeated failures to submit information and a failure to cooperate with OWD will be considered in the State determining whether a "substantial violation" occurred. "Substantial violation" may be construed to be one or more egregious violations in a short period of time or numerous minor violations over a longer period of time.

- D. With regard to a violation of the submittal of timely and accurate information for the ETP as well as initial and continued eligibility, OWD will take into account exceptional circumstances beyond the ETP's control, such as natural disasters, unexpected personnel transitions, and unexpected technology related issues.
- E. A termination of eligibility will occur and will remain in effect for a minimum of two years for all substantial violations.

III. Removal for failure to meet performance standards

- A. If an ETP's program fails to meet minimum established State established performance levels set for continued eligibility, the program must be removed from the State ETPL.
- B. An ETP/ ETP program may reapply under the initial eligibility criteria if they can provide documentation of successful performance attainment with all students prior to the next program year. During that time the former ETP should take the opportunity to evaluate program design performance of non-WIOA students.
- C. Reapplication procedures may begin with a LWDB no earlier than 90 days preceding the beginning of the one-year exclusion period.
- D. If the LWDB program evaluation indicates that there have been successful performance outcomes of all students, the program may be added to the State ETPL no earlier than one year from the date of removal.

IV. Other Removals

- A. If an ETP loses its license or accreditation of its accrediting body.
- B. If an ETP's program is inactive (no activity within three program years), the ETP's program will be automatically removed and the provider (program) will have to reapply using initial eligibility procedures.

V. Repayment

An ETP's program whose eligibility is terminated under the above conditions shall be liable for repayment of funds received during the period of noncompliance.

If an ETP's program is terminated or removed from the State ETPL, the LWDA should assure timely assistance to participants who may be affected. Depending on the nature of the violation, WIOA participants may be allowed to complete the programs, or may transfer and enroll in other training programs.

If it is deemed by a LWDB that training received by a WIOA customer did not adhere to program information as marketed by the ETP, consequences levied upon the ETP may include: (1) additional training to the aggrieved customer at no cost; and/or (2) a refund to the fiscal agent of amounts paid; and/or (3) debarment from the State ETPL.

4.4.8 CHANGES TO THE STATE ETPL

After approved for continued eligibility, requests for changes to contact information, program cost, program description, corporate entity change, etc. should be submitted to the LWDB which approved the initial application. Changes related to contact information should also be submitted to OWD.

ETPL/ITA-related questions should be directed to:

Technical College System of Georgia
Office of Workforce Development
1800 Century Place NE, Suite 150
Atlanta, GA 30345-4304
404-962-4005

4.4.9 CONTINUED ELIGIBILITY – BIENNIAL REVIEW

I. All ETPs (excluding RAs) are subject to review and renewal of eligibility at least every two years. OWD will review the performance of providers to ensure they are meeting minimum levels of performance. Biennial review will also include verification of the registration status of RA programs. The following factors will be utilized to determine continued eligibility:

- A. The performance of training providers on WIOA standards (See section on Required Provider Outcomes). The performance should be disaggregated by the LWDA being served.
- B. The biennial review may include other factors such as:
 - 1. The degree to which training programs are in-demand industries sectors and occupations
 - 2. State licensure requirements;
 - 3. Use of industry recognized certificates and credentials;
 - 4. Whether the programs lead to post-secondary credentials;
 - 5. The ability of the ETP to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barrier to employment, including individuals with disabilities;
 - 6. The ability of the ETP to partner with employers and provide job placement services;
 - 7. The dropout rate of the ETP; and
 - 8. The student loan default rate of the ETP.

ETPs will be responsible for collection of performance data, which is not available through the state data management system, and transmittal to OWD. Actual performance measures for biennial review will be issued in 2017 after state performance negotiations.

The following performance data should be collected by ETPs for WIOA performance measures (to be submitted 2018). The actual minimum performance levels will be determined based on federal standards.

WIOA requires that performance data include the outcomes of ETP programs for students in general for employment and earnings measures.

<u>All Students</u> <u>Performance Data</u>	<u>Minimum Performance</u> <u>Level Implementation</u> <u>Year 2018</u>	<u>Definition</u>
Unsubsidized employment second quarter after exit	<u>TBD</u>	The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program
Unsubsidized employment fourth quarter after exit	<u>TBD</u>	The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program
Median Earnings	<u>TBD</u>	The median earnings of program participants who are in
		unsubsidized employment during the second quarter after exit from the program

<u>All WIOA Participants</u> <u>Performance Data</u>	<u>Minimum Performance</u> <u>Level</u>	<u>Definition</u>
Unsubsidized employment second quarter after exit	TBD	The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program
Unsubsidized employment fourth quarter after exit	TBD	The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program
Median Earnings	TBD	The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
Attainment of Post-Secondary Credential	TBD	The percentage of program participants who obtain a recognized post-secondary credential or a secondary school diploma or its recognized equivalent during participation in or within one year after exit from the program
Program Completion Rate	TBD	Program Completion Rate for all participants in a training program
Data on recognized postsecondary credentials received by program participants	TBD	Recognized post-secondary credentials received by program participants
Data on cost of attendance, including tuition and fees	TBD	Cost of Attendance, including tuition and fees

II. ETPL Appeal Procedure

A. Introduction

These procedures are designed to provide guidelines for filing and resolving Appeals made by an ETP or a prospective ETP. In the event that an ETP seeks to file an Appeal, it must do with the entity whose action the ETP disputes. For example, in the event that an ETP is removed from a Local ETPL, the ETP must file an Appeal with the LWDA in accordance with LWDA's policies. Once an ETP has filed an Appeal with a LWDA, received a written resolution, and is dissatisfied with the LWDA's resolution, the ETP may file second level appeal with the State.

Conversely, in the event that an entity is denied designation on the State ETPL, or if the ETP or is removed from the State ETPL, the ETP may file an Appeal directly with OWD.

B. Local Appeal Procedures

TEGL WIOA NO. 41-14(11) (b) requires LWDA's to establish an Appeal procedure for ETPs to dispute a denial of eligibility from the Local ETPL. Such procedures must allow for an attempt to resolve the dispute informally, provide an opportunity for a hearing, and require written resolution within 60 days of the filing date of the Appeal.

They must also notify the ETP of its right to file a Second Level Appeal with the State.

C. OWD Procedures for Second Level Appeals of LWDA Resolutions

An ETP may file a second level appeal of a LWDA resolution directly with OWD so long as the following criteria are satisfied:

1. The ETP has completed OWD's ETPL Appeal form;
2. The ETP attaches the LWDA's Written Resolution and any other pertinent information to the OWD's Appeal form; and
3. The Appeal is filed with OWD no later than 30 days from the date the LWDA issued its written resolution.

The ETP shall have the option of requesting a hearing in the event that the Second Level Appeal cannot be resolved informally. In the event that a hearing is requested in writing, it will be conducted in accordance with the procedure set forth below. The OWD's ruling on all Second Level Appeals shall be final.

D. OWD Procedures for Appeals of denial or removal of an ETP from the State ETPL. An ETP may file an appeal directly with the OWD in the event that the ETP is denied eligibility or is removed from the State ETPL. In order to Appeal, the ETP must satisfy the following criteria:

1. The ETP must complete OWD's ETPL Appeal form;
2. The ETP must include all other pertinent information; and
3. The ETP must file the Appeal no later than 30 days from the date that the ETP is denied eligibility or is terminated from the State ETPL.

The ETP shall have the option of requesting a hearing in the event that the Appeal cannot be resolved informally. In the event that a hearing is requested in writing, it will be conducted in accordance with the procedure set forth below. The OWD's ruling on all Appeals shall be final.

E. Hearing Procedure for State and Local ETPL Determination Appeal

As required by WIOA, every ETP shall have the opportunity for a hearing for any Appeal that is filed. A request for a hearing must be made in writing by the ETP, preferably at the time the Appeal is initially filed. However, an ETP may file a written request for a hearing within sixty (60) days of the date the Appeal was filed. If a request for a hearing is made, then the hearing shall be held as soon as reasonably possible to enable a resolution of the Appeal no later than sixty (60) days from the day the Appeal is filed. The LWDA and OWD shall use the following procedures if a hearing is requested:

1. Upon receiving written notice of the ETP's request for a hearing, the LWDA or OWD shall respond in writing acknowledging the ETP's request and notifying the ETP of the date of the hearing. Such acknowledgment and notice shall be transmitted to the ETP within ten (10) business days of receipt of the ETP's request. The notice shall include, at a minimum:
 - a. The date of issuance;
 - b. The name of the ETP;
 - c. The name of the Respondent against whom the Appeal has been filed (OWD or the LWDA);
 - d. A statement reiterating that the ETP and Respondent may be represented by legal counsel at the hearing;
 - e. The date, time, and place of the hearing, including the name of the hearing officer serving as an impartial party;
 - f. A statement of the alleged violations of WIOA, (This may include clarification of the original Appeal, but must accurately reflect the content of the submitted documentation of the ETP);
 - g. A copy of any policies or procedures for the hearing or identification of where such policies may be found; and
 - h. The name, address, and telephone number of the contact person issuing the notice.
2. The hearing shall be conducted in compliance with federal regulations. At a minimum, the hearing must include:
 - a. An impartial hearing officer selected by the LWDA or OWD;
 - b. An opportunity for both the ETP and LWDA/OWD to present an opening statement, witnesses and evidence;
 - c. An opportunity for each party to cross-examine the other party's witnesses; and,
 - d. A record of the hearing which the LWDA or OWD shall create and retain.

3. The hearing officer, considering the evidence presented by the ETP and Respondent, shall issue a written decision which shall serve as the LWDA's or OWD's official resolution of the Appeal. The decision shall include the following information, at a minimum:
 - a. The date, time, and place of hearing;
 - b. A recitation of the issues alleged in the Appeal;
 - c. A summary of any evidence and witnesses presented by the ETP and the respondent;
 - d. An analysis of the issues as they relate to the facts; and
 - e. A decision addressing each issue alleged in the Appeal.

4.4.10 OUT-OF-STATE TRAINING PROVIDERS

In order for WIOA students to access training through Out-of-State Training Providers not currently on the ETPL, the training providers must comply with the conditions set forth below before the Local Workforce Development Board may consider contracting with the provider.

The provider shall:

1. Submit an application for Initial Eligibility, including program description attachments;
2. Submit evidence that the provider is accredited by an accreditation agency approved by the US Department of Education (If regulated by government entities such as the Department of Transportation, the provider should include applicable accreditation);
3. Submit evidence that the institution is currently on its state eligible training provider list and in good standing; and,
4. Report student completion data (employment and wage information to the OWD) consistent with WIOA performance information.

Regarding performance information, specific participant numbers shall be included to show satisfactory performance in any of the formats listed below:

- a. A certified report or letter from the State's Title I or WIOA Administration agency, reporting on the provider's satisfactory performance; or
- b. A certified report or letter from a Local Workforce Development Area within the provider's state reporting on the provider's satisfactory performance.

Out-of-state postsecondary training providers that are not operating within the State of Georgia are not required to be licensed by the Non-Public Post-Secondary Commission of Georgia (NPEC).

Local Workforce Development Boards will review and approve out-of-state training providers based on the needs of the local area and input provider information into the GWROPP for state approval.