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BUREAU OF EMPLOYMENT SERVICES
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Policy Subject: Eligible Training Provider List (ETPL)

Policy No. PY 15-05 Change 1

To: Education and Training Providers
Registered Apprenticeship Sponsors
WIOA Title 1 Service Providers
Local Workforce Development Boards

From: Bureau of Employment Services

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Code of Federal Regulations: 20 CFR 677.230; 20 CFR 680.350; 20 CFR 680.420, 430, 450, 460, 470, 480, 490, and 500

Status: APPROVED

Appendices: Links to Resources in this policy
SAMPLE Data Sharing Agreement for Eligible Training Providers

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## PURPOSE

This policy identifies the requirements and process by which education and training entities can request and maintain approval as Eligible Training Providers (ETPs) who are permitted to receive funds on behalf of WIOA (Workforce innovation and Opportunity Act) Title I-B eligible participants. Funds paid on behalf of Title I-B participants are referred to as Individual Training Accounts (ITAs).

## BACKGROUND

Eligible participants use the ETP-provided data to select a program that best meets their needs. WIOA participants receive guidance from career consultants on how to use the ETPL to compare training programs by cost, credential to be attained, rates of completion and employment and earnings outcomes.

[Maine's ETPL site](https://joblink.maine.gov/training) can be found at: <https://joblink.maine.gov/training>.

## PROVIDER and PROGRAM APPROVAL PROCESS

Providers and programs are reviewed to identify if they meet the basic criteria, will prepare students for occupations that are in-demand in Maine, and will result in attainment of industry-recognized credentials. If approved, the program will remain on the Eligible Training Provider List (ETPL) website for a period of one year. At the end of the initial year, the provider must reapply to keep the program active on the ETPL and must report specific performance information on all students exiting the program of study.

**Eligible Providers of Training** are providers per 20 CFR 680.410 that:

- (a) Are listed as WIOA-approved on the Maine Eligible Training Provider List;
- (b) Provide an approved program of training services as defined below; and
- (c) Are one of the following:
  1. An institution of higher education that provides a program that leads to a recognized postsecondary credential;
  2. An entity that carries out a program registered under the National Apprenticeship Act (29 U.S.C.501 et seq.)
  3. A public or private provider of training services, which may include:
    - i. A community-based organization;
    - ii. A joint labor-management organization; and
    - iii. Eligible providers of adult education and literacy activities, under Title II of WIOA, if such activities are provided in combination with occupational training as per 20 CFR 680.350.
- (d) Have a physical location in Maine or New Hampshire and/or offer on-line training that provides student access to a live instructor

Providers must agree to share performance data on ALL students for each program of study and must submit performance data annually. See page 4, **Eligible Training Provider Annual Performance Reports**.

**Approved Programs of Training** per 20 CFR 680.420 are defined as one or more courses or classes, or a structured regimen, that provides occupational training and education services that lead to:

- (a) An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a State or Federally recognized occupational license, an associate or baccalaureate degree;
- (b) Employment in an occupation that is in-demand in Maine; and
- (c) Measurable skill gains toward a credential described in (a) above.

**INITIAL ELIGIBILITY** per 20 CFR 680.450

Providers that have not previously listed programs on the ETPL must complete the ProviderLink application form on <https://joblink.maine.gov/ada/r/training> and provide:

1. A description of each training program and the [CIP code](#) (Classification of Instructional Programs);
2. The Occupational Information Network ([O\\*Net SOC Codes](#)) code for the occupation(s) the program prepares the student for;
3. A program description that aligns with an in-demand occupation and/or industry sector, including the provider's ability to offer in-demand industry-recognized certificates and credentials;
4. Complete information regarding:
  - a. The occupation(s) the program prepares students to enter employment in;\*
  - b. The hourly wage of the occupation(s) that a student can expect;\*
  - c. Whether the program meets the requirements of a Federal or State educational licensing, accreditation, or approval agency;
  - d. The cost of tuition, fees, books, labs, and other program costs;
  - e. The location(s) the program is offered;
  - f. Whether the program is offered via technology;
  - g. The percentage of participants who successfully complete the program and earn a credential;\*
  - h. The percentage of participants who attain employment in the 2<sup>nd</sup> and 4<sup>th</sup> quarters after program completion;\*
  - i. The median earnings of participants who attain employment by the 2<sup>nd</sup> and 4<sup>th</sup> quarters after completion of the program;\*
  - j. Any state licensure requirements, and the provider/program's licensure status;
  - k. Partnerships with businesses or industries in program development, approval, support;
  - l. The level of demand by Maine employers for the occupations the program prepares students for;
  - m. The type of credential, degree, diploma, certificate, or license the program prepares students for;\*
  - n. The degree to which individuals with disabilities or barriers to employment or those who live in rural areas of the State and/or who are employed, can access the program;
  - o. The commitment, through a data sharing agreement, to submit accurate performance reports required for continued eligibility;
  - p. Any additional information regarding the program that should be considered for approval purposes.
5. Other information required by the Governor - For online training providers, the program must include access to a live instructor through email, online chat, telephone, video conferencing, or other means. This should be included in the program description.
6. **Access to training services must be statewide**, including rural areas and islands. Access may be provided using technology and be in accordance with WIOA Section 188, 29 CFR Part 38, and Maine Workforce System Policy 17-01, *Accessibility, Equal Opportunity, and Nondiscrimination*.

**\*These are considered performance factors under federal regulations**

When entering information for a new program, the ETPL includes a look up feature for both CIP codes and O\*Net codes. When entering the median earnings information, the training provider should indicate historical information on the median earnings of the students who have completed the training provider's programs

### **Initial Approval Process Steps**

1. Create an account on [Maine JobLink](#) site at: <https://joblink.maine.gov/training> and establish a user name and password.
2. Fill in all the data fields on the screen regardless of whether there is an asterisk by the field and submit for approval.
3. Upload any documents that confirm the provider's state licensure or licensing status, if applicable.
4. The MDOL approval review process may take from 1 to 15 business days. Inquiries may be forwarded to [ETPLInfo.DOL@maine.gov](mailto:ETPLInfo.DOL@maine.gov).
5. The provider will receive approval or denial status information via email.
6. If a program is not initially approved, the provider may:

- a. Consult with the Bureau of Employment Services to identify extenuating circumstances that would support program approval at the local level.
  - b. File an appeal to the MDOL by following the appeal process defined later in this policy.
7. Agree to abide by a data sharing agreement as part of initial and ongoing eligibility. See Appendix A for a sample version of the data sharing agreement.

## User Guide

The online [ProviderLink Self-Service Guide](#) assists training providers in opening accounts, adding or deleting programs, editing their information, and adding/deleting new account users

## Adding or Removing Programs of Study

Once approved, an ETP may offer more than one program of study or training. Each program must be individually registered and approved on the ETPL. New programs may be entered for approval on the ETPL at any time. Training providers must remove programs from the ETPL that they no longer offer.

## Cybersecurity and Log In

A training provider's log in credentials should be written down and kept on file. It is suggested that the credentials be available to at least one other individual in the organization should there be a change in personnel.

For security reasons, all inactive accounts are disabled every 180 days. To enable a disabled account, contact [ETPLInfo.DOL@maine.gov](mailto:ETPLInfo.DOL@maine.gov).

## CONTINUED PROGRAM APPROVAL 20 CFR 680.460(a)(1,2) and 680.490(a,b)

Continued program approval depends on whether the program of study is still deemed necessary to prepare students for jobs that are in-demand in Maine and the provider's ability to submit accurate and timely performance information on all students exiting the program of study as required below.

ETP performance reports are intended to provide critical information regarding the employment, earnings, and credentials outcomes attained by individuals in the approved programs of study. The purpose of these reports is to assist WIOA participants and the general public in selecting effective training programs and providers. The reports also benefit providers by widely disseminating information on their programs.

Continued program/provider eligibility is contingent on submitting the annual performance report. The data must be sufficient to assess WIOA performance indicators. To facilitate the process of compiling the indicators data, the training provider's annual performance report must include the information listed in the next section of this report. This information allows the Maine Department of Labor to match student outcome data with federal wage and employment information on the students' **credential attainment**, employment status in the 2<sup>nd</sup> and 4<sup>th</sup> quarters after exit from WIOA services and median earnings. 20 CFR 680.460(g)

Continued eligibility is always contingent on the overall quality of the program. Quality includes the ability to prepare students for in-demand employment opportunities, **the type of industry recognized certificate or credential, post-secondary credentials (degree, diploma), or license the program prepares students.** If local employers do not accept/hire students with a program's credentials/training, the program would be reviewed for continued eligibility. Other quality indicators may include the proportion of students who successfully complete the program, and physical and programmatic accessibility of the course of study.

**In order to maintain continued eligibility, access to training services must be statewide, including rural areas and islands. Access may be provided using technology and be in accordance with WIOA Section 188, 29 CFR Part 38, and Maine Workforce System Policy 17-01, Accessibility, Equal Opportunity, and Nondiscrimination.**

Providers and their programs must continue to meet initial eligibility requirements in order to remain approved on the ETPL. At least every two years, providers must update their program listings to update program costs, hourly wage information for occupations the program prepares the student for, any other relevant program changes, and contact information. Providers should not wait for a biennial update; information must be updated whenever a relevant change occurs. 20 CFR 680.460(h)(1)

Continued eligibility also depends on information that may be reported to the state by service providers, businesses, other agencies, or other reliable sources. EXAMPLE: There are credible complaints that a provider or program routinely fails to provide reasonable accommodations. If the Maine Department of Labor (in collaboration with the USDOL Civil Rights Center or the Maine Human Rights Commission), after investigation, finds that the complaints have merit, this provider may be removed from the ETPL. 20CFR 680.460(b)(1,2,3)

### **Eligible Training Provider Annual Performance Reports** 20 CFR 677.230, 680.450(a), 680.460

For continued approval, providers must report the following **accurate** information due annually on August 1, on all individuals, whether WIOA supported or not, who have exited (completed, withdrawn from, or transferred elsewhere) each approved program of study listed on the ETPL during the most recent program year, July 1 through June 30:

1. Each exiting student's Social Security Number;
2. The CIP code for each student's program of study;
3. The students, who attained a recognized post-secondary credential or a secondary school diploma or its recognized equivalent;
4. The number of ALL students who exited the program;
5. The credentials attained by each student;
6. The date of completion for each student who completed the program for the most recent program year.

NOTE: Providers must report on all programs of study approved on the ETPL, including programs of study that did not serve any WIOA participants during the reporting year. (20 CFR 667.230(a)(1))

Providers who substantially violate the requirement to timely and accurately submit all required information will be removed from the ETPL. 20 CFR 680.460(l)(2). Timely means "by the August 1 of each year." Accurate means "the data are verifiable. Data submitted by eligible training providers is matched and corrected if errors or omissions are discovered while matching data for annual submission to USDOL."

In general, if a provider submits the annual performance report and there are no issues that cause concern, it will remain approved on the ETPL.

Providers who are unable to submit the annual performance report due to exceptional circumstances beyond the provider's control, such as natural disasters, unexpected personnel transitions, or unexpected technology-related issues, should immediately contact the Bureau of Employment Services. The Bureau will offer technical assistance and work with the provider to agree on a plan to submit the data as soon as possible. 20 CFR 680.460(l)(1), 680.480(b,c), and 680.490(d)(3)

Out of state providers must submit annual student performance data to remain on the ETPL. If an eligible training provider is submitting annual student performance data in another state AND their data submission includes ALL MAINE STUDENTS enrolled in their listed training programs, the training provider may request a waiver exempting them from also submitting their data to Maine. The training provider must submit documentation from the state in which they submitted their data. The documentation must be approved by the State of Maine in order to grant the waiver. The waiver must be requested annually, along with proof of reporting in another state.

## Assistance with Annual Performance Reporting

Performance reporting requires a match with unemployment insurance data. [MaineEarns](#) is the secure web-based portal for providers' performance data reporting. MaineEarns is administered by the Center for Workforce Research & Information (CWRI), which provides the mechanism for conducting wage match criteria and produce the required reports for eligible providers. **The MaineEarns site also provides information reported by programs of study not connected to Title IB of WIOA.** To request more information on this process and the required data-sharing agreement please contact [ETPLInfo.DOL@maine.gov](mailto:ETPLInfo.DOL@maine.gov).

CWRI provides a [Resource Page for ETP Reporting](#), which includes the data sharing agreement, guidance on opening a data sharing account, sample data files, and an organizational code lookup are available.

The requirement for performance data may be waived by BES upon showing good cause. If needed, the Maine Department of Labor may provide technical assistance to providers. 20 CFR 680.460(k), 680.490(d)(3)

## REGISTERED APPRENTICESHIP PROGRAMS (RA) 20 CFR 680.470

Apprenticeship Programs registered with the USDOL or the MDOL are automatically eligible to be included on the ETPL provided they remain registered or until the program sponsor notifies the State they no longer want to be included in the list. RA programs can be included on the ETPL upon the sponsor's request. RA programs must be on the ETPL in order to access WIOA funds. (See next paragraph.) 20 CFR 680.450(b) and 680.470(a)

**Although automatically eligible to be on the ETPL, RA sponsors must provide the following information before approval:**

1. The sponsor's name and address
2. Sponsor's RA number
3. Sponsor's corresponding NAICS code
4. Sponsor's mailing address
5. Sponsor's primary contact name and contact information
6. Occupations contained in the RA program
7. The Related Instruction provider's name and address
8. Location of related instruction if different from the RA sponsor's
9. Method and length of instruction
10. Number of active apprentices

Programs will be reviewed by the Maine Apprenticeship Council every two years to ensure they are still registered. Registered Apprenticeship programs that are deregistered, no longer active, or who wish to be deleted will be removed from the ETPL. 20 CFR 680.470(b)

RA programs are not required to follow the performance reporting requirements that apply to other ETPs. However, RA programs are encouraged to voluntarily submit performance data.

For a WIOA eligible individual to utilize WIOA Title I-B training funds toward the cost of apprenticeship training, the Registered Apprenticeship program must be listed on the ETPL. WIOA participants may use Title I-B training funds toward the cost of:

- a. Tuition for required related instruction courses;
  - b. Supportive services to enable the individual to participate in training activities; and
  - c. Costs of work-based training options such as partial wage reimbursement for initial On-the-Job Training.
- 20 CFR 680.470(d)

Per federal regulations, the Maine Apprenticeship Program contacts sponsors annually to encourage them to register their programs on the ETPL and confirm consent to remain on the ETPL. 20 CFR 680.470(a)

Apprenticeship program sponsors who no longer wish to have their programs listed on the ETPL can submit a request for removal from the list to [ETPLInfo.DOL@maine.gov](mailto:ETPLInfo.DOL@maine.gov). 20 CFR 680.470(a)

### **Industry Recognized Apprenticeship Programs (IRAPs)**

Industry Recognized Apprenticeship Programs do not receive the same exceptions as RA programs. IRAPs seeking addition to the ETPL must follow the same process requirements as other training providers.

### **STATE and LOCAL ROLES** 20 CFR 680.400(b);680.430; 680.500; 680.510

The Maine Department of Labor is responsible for approving new training providers and programs in coordination with Local Workforce Development Boards. The Bureau of Employment Services is the designated agency for administering the ETPL, including approvals, denials, revocations/removals, and reviews of providers and programs.

### **DENIAL/LOSS OF ELIGIBILITY (REMOVAL)** Per 20 CFR 680.480:

Programs may be denied if they do not meet the definition of an “Eligible Provider” or if it is determined the program of study will not result in employment in an occupation that is in high demand in the State or Local Area.

Providers that have intentionally supplied inaccurate performance information or that have **substantially violated** any WIOA regulations, including [29 CFR part 38](#), will be terminated from the list. The provider must comply with [Workforce Development System Policy 17-01, Equal Opportunity, Nondiscrimination, and Accessibility](#), as well as all WIOA regulations.

### **OUT OF STATE and INTERNET-BASED TRAINING PROVIDERS and PROGRAMS**

Out of state, internet-based programs will only be considered for inclusion on the ETPL only if the program includes access to a live instructor.

### **THIRD-PARTY TRAINING VENDORS**

When an eligible training provider offers a program that is delivered by a third-party training entity, the program credential or certificate of completion must be issued by the eligible training provider, or jointly issued by the eligible training provider and the third-party vendor. The eligible training provider is responsible for submitting annual performance data for any training they offer through a third-party vendor that is not an approved provider.

Example: An Adult Education program that is actually delivered by an online training provider must assure that the program provides access to a live instructor, the credential or certificate of course completion is issued by the Adult Education provider or jointly issued by the Adult Ed provider and the training provider that actually delivered the program.

Regardless, all eligibility criteria must be met in order to approve the program.

### **ETPL APPEAL PROCESS** 20 CFR 683.630(b)(1); 680.480(d)

Programs that have been denied WIOA eligibility may appeal in writing to the contact person listed below within 30 days of the denial. The appeal must provide specific documentation on how the provider and/or program meet requirements for eligibility and inclusion on the ETPL laid out in this guidance. The Bureau of Employment Services must hold a hearing within 30 days of receipt of the appeal and render a decision within 15 working days from the date of the hearing.

### **CONTACT INFORMATION**

**For general questions or assistance:** [ETPLInfo.DOL@maine.gov](mailto:ETPLInfo.DOL@maine.gov)

**For appeals contact:**



## Appendix A: Data Sharing Agreement Language

### MEMORANDUM OF AGREEMENT BETWEEN TRAINING PROVIDER AND THE MAINE DEPARTMENT OF LABOR

#### I. PARTIES:

The parties to this agreement are the Maine Department of Labor (MDOL) and the training provider submitting this request for approval as an Eligible Training Provider under the [Workforce Innovation and Opportunity Act Sections 116 and 122](#), the [Code of Federal Regulations 20 CFR 677.230 and 20 CFR 680.400 through 680.520](#), the [Competitive Skills Scholarship Program Governing Rule Section 6. No. 5](#), and [Maine Department of Labor Policy 15-05](#).

#### II. PURPOSE

The purpose of the Agreement is to document the terms under which a training provider may release to MDOL personally identifiable records required to meet Federal performance reporting requirements and with which MDOL will create aggregated performance reports.

##### 1. Data Transferred

- a. As a condition of approval, the training provider is required to report information about every individual who participates in an approved program of study and completes training or exits training without completing. The training provider will submit files containing:
  - i. Social security number (SSN), unique student identifier, training provider code, CIP code, program description, credential attainment, and completion status of all individuals.

2. Data will be aggregated and published to promote consumer choice, conduct research, and evaluate the performance of training programs funding under WIOA Title I-B.

The file format for submission of the data can be found here: <https://www1.maine.gov/cgi-bin/online/cwri/start>

#### III. AUTHORITY

The Workforce Innovation and Opportunity Act, Public Law 113-128, its associated federal rules and regulations, and state policies, require reporting of data related to the performance of training providers eligible to receive WIOA funds to cover training or education costs.

This activity falls within the exception to the Family Educational Rights and Privacy Act (FERPA) as outlined in 34 CFR §99.31(a)(3) and is consistent with Unemployment Compensation Regulation 20 CFR §603.10 and Vocational Rehabilitation Regulation 34 CFR 361.28.

MDOL represents that they are authorized to bind to the terms of the Agreement including requirements for confidentiality, maintenance, publication, and destruction or return of data, and all related or associated institutions, individuals, employees, or contractors who may have access to the data, or may own, lease, or control equipment or facilities of any kind



where the data is stored, maintained, or used in any way.

#### IV. TERMS AND CONDITIONS

To achieve the transfer of data and information that is subject to state and federal confidentiality laws and to ensure that the required confidentiality of personally identifiable information shall always be maintained, MDOL agrees to:

1. Use data shared under the Agreement for no purpose other than the purpose described above.
2. Require all employees, contractors, and agents of any kind to comply with this Agreement and all applicable provisions of federal and state laws with respect to the data and information shared under the Agreement. MDOL agrees to require of and maintain an appropriate confidentiality agreement from each employee, contractor, or agency with access to confidential data pursuant to the Agreement.
3. Securely handle and store all personally identifiable information sent and received pursuant to the Agreement. Establish procedures and systems to ensure that all confidential data processed, stored, and/or transmitted under the provisions of this Agreement will be maintained in a secure manner that prevent further disclosure of the data, including the interception, diversion, duplication, or other unauthorized access to said data.
4. Not disclose data contained under the authority of the Agreement in any manner that could identify any individual or employer to any entity other than authorized employees, contractors, and agents working as authorized representatives under this Agreement. No data shall be released to anyone not otherwise authorized if there are fewer than three individuals in a category.

#### V. RELATED PARTIES

The MDOL Center for Workforce Research and Information (CWRI) will function as custodian at MDOL for the purposes of this agreement, matching records to employment records residing in the MDOL warehouse and aggregating the resulting wage outcomes for use.

#### VI. TERM

This Agreement expresses the entire agreement of the Parties and shall not be modified or altered except in writing in a manner consistent with applicable State and Federal laws. It shall remain enforced as long as the Training Provider **remains on the ETPL, and** meets the requirements referenced in Workforce System Policy PY15-05. The parties may unilaterally or mutually terminate this Agreement at any time.

#### VII. ADMINISTRATIVE COSTS

There is no administrative fee imposed on the training provider.

Name of Training Provider: \_\_\_\_\_

Name of Provider's Authorized Contact: \_\_\_\_\_

Contact's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

