MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 04-68   ☑ Policy   ☐ Information

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors
DCS Area Directors

cc: WIA State Partners

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: August 31, 2004

Subject: Process for Determination of Training Course Initial and Subsequent Eligibility for the Provision of Training Services to Individual Training Account Recipients under Title I of the Workforce Investment Act.

Purpose: To provide policy guidance and instruction to local Workforce Investment Boards in establishing and maintaining local procedures related to the review of applications for determining initial eligibility of training organizations wishing to provide training services to ITA eligible customers under Title I of the Workforce Investment Act of 1998 and also relating to the process for subsequent eligibility determination.

Background: This document is a revision of WIA Communication 04-56 issued on June 24, 2004.

Section 122(b)(2)(A) of the Workforce Investment Act requires that, *"Each Governor of a State shall establish a procedure for use by local boards in the State in determining the <u>initial</u> eligibility of a provider to receive training funds for a program of training services"*.

Additionally, Section 122(c) (1) requires that the Governor *"shall establish a procedure for use by local boards ...in determining the eligibility of a provider [determined initially eligible under Section 122(a) (2)] to continue to receive funds...for a [training] program after an initial period of eligibility...(referred to...as 'subsequent eligibility')."*

Policy: Local Boards must establish procedures for ITA service course/provider initial eligibility application review and subsequent eligibility that are in compliance with the guidance provided herein.

Action Required: Each Local Board must ensure that its process for local ITA training service course/provider review, initial eligibility determination and subsequent eligibility adheres to the policy and procedural framework described in this issuance.

Effective: Immediately

References: Workforce Investment Act Sections 122(b)(2)(A)(B)(C)(D); 122(c)(1-6); 20 CFR Part 663.510(b); WIA Communication 00-16.

Inquiries: Any questions related to this correspondence should be sent to PolicyQA@detma.org with reference to the Issuance #04-56

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as 04-68.

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I. OVERVIEW

Section 122(b)(2)(A) of the Workforce Investment Act of 1998 requires that, *"Each Governor of a State shall establish a procedure for use by local boards in the State in determining the <u>initial</u> eligibility of a provider to receive training funds for a program of training services"*.

Additionally, Section 122(c) (1) requires that the Governor *"shall establish a procedure for use by local boards ...in determining the eligibility of a provider [determined initially eligible under Section 122(a) (2)] to continue to receive funds...for a [training] program after an initial period of eligibility...(referred to...as 'subsequent eligibility')."*

All Local Workforce Investment Boards shall adhere to the following policy, developed within the required parameters described above, when reviewing applications of training providers for ITA course eligibility approval status for its workforce investment area.

The policy issuance describes procedures to be followed for the determination of both initial and subsequent eligibility. The subsequent eligibility procedures allow the Local Board to set levels of performance at higher levels than statewide standards and to use additional verifiable program information than is minimally required by the State (see Section VI).

II. BACKGROUND

The workforce investment system established under the Workforce Investment Act of 1998 emphasizes informed customer choice, system performance, and continuous improvement. The process for determining initial and subsequent eligibility of providers' training programs is an integral part of the strategy for achieving consumer choice. Local Workforce Investment Boards (LWIBs), using an application process and criteria established in partnership with the State, identify training providers whose performance qualifies them to receive WIA funds to train adults and dislocated workers.

The statewide list of ITA eligible Title I training programs is compiled based on the eligible provider programs as determined by the LWIB initial eligibility review/approval process and the subsequent eligibility process. ***Only those vendor programs appearing on the Statewide List of Eligible Training Service Courses/Providers are authorized for ITA training services for WIA Title I participants***. The statewide list includes descriptions of the providers' training programs, the local areas in which the programs are eligible, and performance and cost information about the providers' programs.

A WIA Title I participant who has been determined eligible to receive training services may select an approved training program from the statewide list after consultation with a case manager. The program operator *must* refer the individual to the selected provider and establish an Individual Training Account (ITA) to support the cost of the selected training if funds are available. With a few rare exceptions, all training services provided to eligible adults and dislocated workers under WIA Title I shall be provided through the use of Individual Training Accounts (ITAs).

As the Commonwealth's designated administrator of WIA programs the Division of Career Services is responsible for maintaining the *Statewide List of Eligible Training Service Courses/Providers*.

In Massachusetts the "Statewide List of Eligible Training Service Courses/Providers" is constituted and accessed through the staff view of MOSES. The training program record indicates whether or not the specific training program has, or has not been approved by an LWIB. If the training program record indicates that it has been approved by any of the Commonwealth's local boards, the training program is to be considered included on the "statewide list". Programs not approved by *any* local area are considered to be excluded from the "statewide list".

III. VENDOR ITA INITIAL ELIGIBILITY APPLICATION PROCESS

A. Vendor Application Process

Prospective WIA Title I training vendors must apply for course eligibility approval status for their programs electronically utilizing TrainingPro, a web-based, multi-program vendor eligibility software application. It has been specifically designed to enable prospective vendors to simultaneously apply for course approval status for any combination of the following training related programs:

- Initial Eligibility to Provide Training Services to WIA Participants Using Individual Training Accounts (ITAs),
- Skill Start Program
- Training Opportunities Program (Section 30), and
- Workforce Training Fund Express

Training vendors can access TrainingPro at http://web.detma.org/provider/prl.asp

Local Workforce Investment Boards are authorized to review vendors' applications for WIA ITA Provider Eligibility, only. LWIBs are not authorized to review vendor eligibility status for any other programs listed above.

B. Vendor Notice

Vendors who have not previously used TrainingPro to apply for ITA initial eligibility should be instructed to access the TrainingPro application through https://web.detma.org/provider/prl.asp

C. Timeline

The ITA initial eligibility application process is open and rolling. Prospective training providers may apply at any time on a year-round basis.

IV. LOCAL INITIAL ELIGIBILITY REVIEW PROCESS

Each Local Workforce Investment Board must develop and maintain procedures to determine the initial eligibility of a service provider's programs in an objective and consistent manner. Each Local Workforce Investment Board must define its own procedures, consistent with the requirements of this policy directive. Written procedures must provide for:

A. Appointment of Reviewers

Procedures must include identification of the types of individuals who will review and determine eligibility of the vendors' programs. Local Workforce Investment Boards subject to the Federal procurement requirements found at 29 CFR Part 95 or Part 97 may appoint a minimum of a single individual to review training vendor applications. Local Area Workforce Investment Boards subject to more restrictive procurement requirements must comply with those requirements when appointing reviewers. All reviewers are subject to all WIA and State conflict of interest requirements.

B. Use of Standard Minimum Criteria

Procedures must clearly describe how reviewers will apply the standard Minimum Criteria established by the Commonwealth to determine the ITA initial eligibility of service providers' training programs.

The Minimum Criteria are:

- Fiscal Capacity, Financial Stability and Sound Financial Accounting Systems: Applicants must show evidence of overall financial stability and the capacity to administer funding following accepted accounting practices. Evidence of fiscal capacity will be satisfied by Licensure by oversight/accreditation organizations such as the MA Dept. of Education, MA Board of Higher Education, the New England Association of Schools and Colleges or other recognized accrediting agencies. LWIB reviewers access a training provider's licensure/accreditation status through the provider's MOSES record.

- Programmatic Capacity: Applicants must show evidence of programmatic capacity. Evidence of program capacity will be satisfied by Licensure by oversight/accreditation organizations such as the MA Dept. of Education, MA Board of Higher Education, the New England Association of Schools and Colleges or recognized accrediting agencies. LWIB reviewers access a training provider's licensure/accreditation status through the provider's MOSES record.

- Verifiable Performance: Applicants must provide verifiable and documented performance data on previous participants. If an applicant is unable to provide such data a thorough explanation is required. LWIB reviewers access a training provider's performance data through the course record in MOSES.

C. Establishing & Using Local Performance Standards

Each Local Workforce Investment Board must establish and document its own local performance standards for the following Performance Measure criteria *prior* to reviewing any training program application:

- Completion Rate for Program

- Entered Unsubsidized Employment Rate for Program

- Hourly Wage at Placement for Program

Procedures must describe how reviewers will apply local performance standards in an objective and consistent manner. Applicants may not be penalized for failure to provide performance information if it is not available. However, as part of the application process a prospective vendor *must* provide an explanation as to why the performance information is not available.

D. Review Timeline

LWIB designated reviewers must complete the review and determine the eligibility of an application within 30 days following the date the vendor entered the training program data through TrainingPro.

Local reviewers, following the instructions described in the **ADDENDA** must regularly search the MOSES database to identify those training programs for which a vendor has applied for ITA training approval in their workforce area. All ITA training programs in "pending" status for the local area must be reviewed and a determination entered within the 30-day period. It is expected that each Board will establish a regular and timely review process to assure compliance with the 30-day standard. It is recommended that, at a minimum, LWIB reviewers conduct *weekly* searches for ITA vendors in "pending" status.

If, after 30 days, the LWIB has not completed its initial eligibility determination on a training program submitted for ITA consideration, the training program will automatically be defaulted to "NO ACTION TAKEN" in the MOSES database (scheduled for implementation on October 15).

Failure of a local Board to complete an initial eligibility determination within the required 30 day period may lead to disallowed costs should an applicant be referred and enrolled in a training course that remains in either "Pending", "Denied" or "No Action Taken" status at the time of the referral.

Compliance with the 30-day standard will be covered as part of the annual Quality Assurance reviews conducted by DCS.

As cited earlier, training program applications not approved by *any* local area are considered excluded from the Statewide Eligible Course/Provider List.

E. Notice of Ineligible Provider Training Programs

Approval of vendors' courses for ITA training services will be indicated by the local Board (or its designee) via the ITA approval indicator in MOSES. The LWIB reviewer will submit a brief explanation of the reason for denial in the course record Comment field.

V.   THE STATEWIDE ELIGIBLE COURSE/PROVIDER LIST

Service provider training programs determined to be initially eligible by an LWIB shall be indicated on the course record page in MOSES. The course record will display the approval/denial/pending status of the course, designated by each of the Commonwealth's LWIBs and, therefore, will constitute the *Statewide Eligible Course/Provider List* from which all customer choices will be made. This statewide listing via MOSES, will be accessible to all local One-Stop Career Centers and their customers and to all Local Workforce Investment Boards.

VI.   ITA SUBSEQUENT ELIGIBILITY

A. DCS Procedures

To meet ITA subsequent eligibility requirements DCS will perform the following procedures, annually:

- In mid-June of each fiscal year, DCS will identify all ITA approved courses with an end date that falls between April 1st and December 31st (for the current fiscal year) and having at least one course enrollment during the past year (for the 52 week period prior to the date on which the annual subsequent eligibility process is performed).

- Annually, DCS will review the three most recent program years of provider entered performance data for each ITA approved course in MOSES. For the most recent year in which the provider has entered performance data, if the data indicates a minimum entered employment rate of 60% and a minimum successful completion rate of 70%, DCS *will update* the approval end date of the course to one year forward (from the date of the prior eligibility determination as indicated in the MOSES course approval record) to indicate subsequent eligibility. If, however, the most current provider entered performance data in MOSES is more than three years old (program years), DCS *will not update* the course approval end date for subsequent eligibility.

- DCS will identify only those courses for subsequent ITA approval if the provider's record indicates sound fiscal and programmatic capacity (indicated by inclusion of a current License number and accreditation).

- DCS *will not* update any course approval for subsequent eligibility that does not meet the above criteria.

- Prior to actually performing the annual ITA course subsequent eligibility update, DCS will distribute to each Local Workforce Investment Board the following:

  ✓ A list of all previously approved ITA courses for the local area that have been reviewed by DCS for subsequent eligibility determination. The list will specifically indicate which of those courses DCS intends to approve for subsequent eligibility and those it does not intend to upgrade to subsequent eligibility.

  ✓ Reports that the LWIB may use to review eligibility performance statistics (based on MOSES data) for these courses. The specific Crystal Reports ("ITA Performance Provider Data" report and the "ITA Performance MOSES Data" report) used to produce the list for the local area will be included in the communication to each LWIB.

  This "Subsequent Eligibility" communication will be forwarded to each Local Workforce Investment Board no later than 2 weeks *prior* to the date that DCS intends to perform the actual subsequent eligibility update in the MOSES database. The communication will specifically reference the date on which DCS plans to perform the statewide "subsequent eligibility" update.

B. **Local Area Process**

Each Local Workforce Investment Area will designate a representative (or representatives) to review the subsequent eligibility communication from DCS to assess the consistency of the planned course/provider subsequent eligibility update to be performed by DCS (described above) with local ITA approval standards (related to local performance criteria such as completion rate, entered employment rate, etc.).

If a DCS "subsequent eligibility" update decision (to either *approve* or *not approve*) for a specific course is found to be inconsistent with local policy, the designated local reviewer will make appropriate changes to the course status for that course in MOSES. This status change must be completed immediately *following* the date on which DCS completes its "subsequent eligibility" update. As stated above, the communication forwarded to the LWIB will specifically identify the date on which DCS plans to perform the update.

Assuring that local criteria form the basis as the final standard in the determination of whether or not a course is approved or not approved for subsequent eligibility is the only way to secure the integrity of the statewide listing. As it is the statewide listing that is used in choosing a training course, the local area ITA approval status for each course in MOSES should reflect consistency with the local approval standards.

ADDENDUM I

MOSES SEARCH PROCESS

for

REVIEW OF TRAINING COURSES IN "PENDING" ITA ELIGIBLITY STATUS

1. After logging into MOSES, left click the *Training* dropdown menu item and left click *Training Services*.

2. In the *Training Course Search* screen, left click the *Advanced Search* button.

3. In the *Training Course Advanced Search* screen, use the dropdown boxes to fill in:

    - ✓ SDA (*your area*)
    - ✓ Approval Status (*Pending*)
    - ✓ Course Type (*ITA*)

4. Once the above information is filled in correctly, left click the *OK* button.

5. You will then be presented with the first 50 items in the database that meet your selection criteria. Left click the *More* button until all records are retrieved from the database (the *More* button will stay disabled or "grayed" out when all records have been retrieved).

6. Once all records are available on the summary screen, you can sort and/or print the summary. To sort the summary, say by *Provider Name* (the summary is originally in *Provider ID* order), move your mouse cursor into the *Provider Name* column on the summary screen and right click your mouse. Highlight the *Sort* option and then left click on *Ascending.*

7. Once the summary screen is sorted the way you want it to be, move your mouse cursor into the summary screen, right click your mouse and highlight the *Print* option, then left click on *Print Data*.
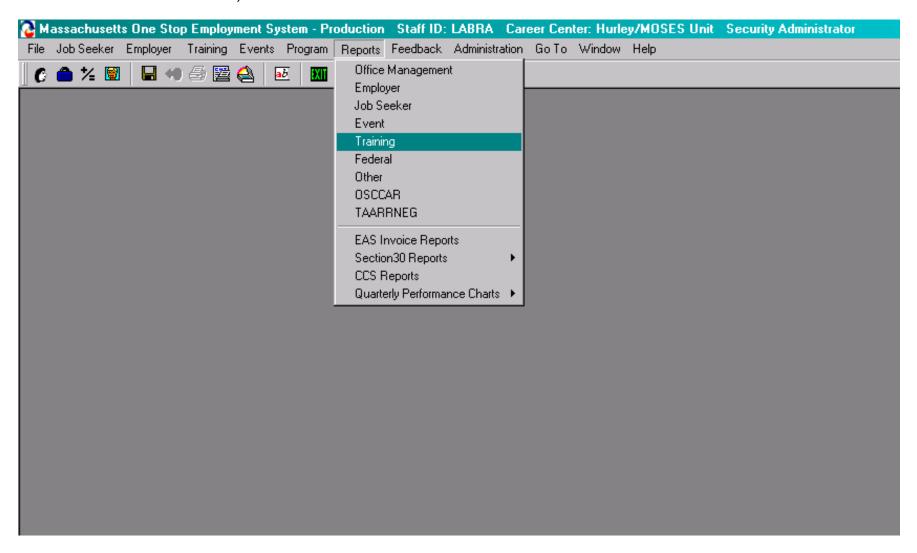
ADDENDUM II

Alternate Method of Identifying Training Programs

for
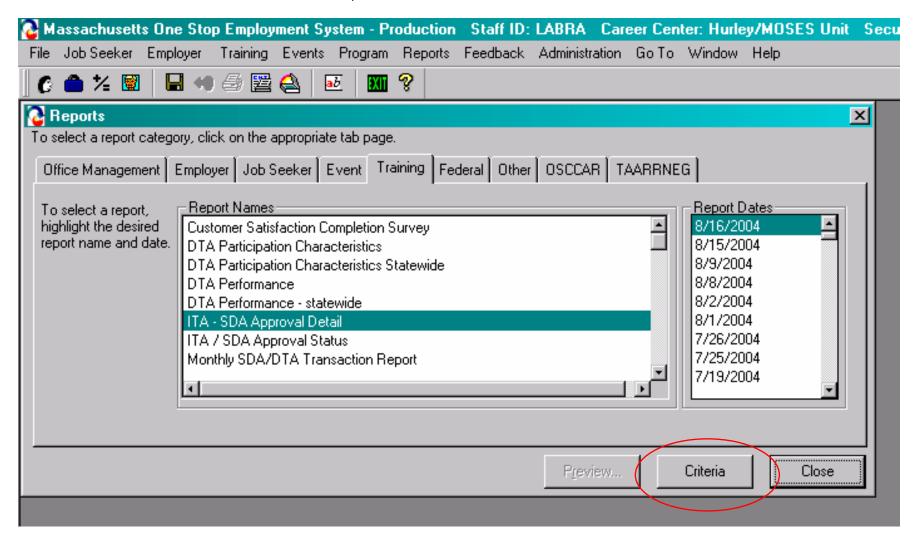
LWIB ITA Eligibility Determination

MOSES ITA [PENDING STATUS] REPORT PROCESS

STEP #1:
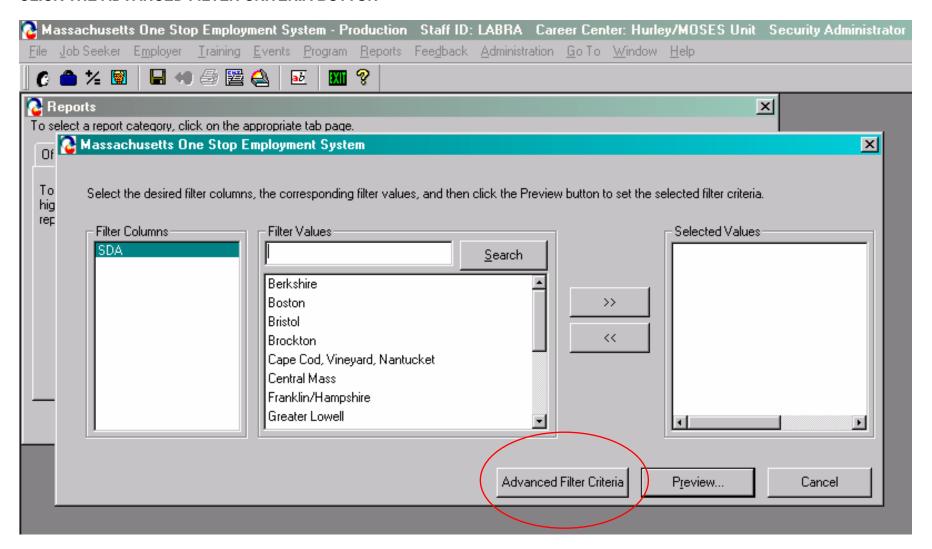**AFTER LOGGING INTO MOSES, SELECT REPORTS/TRAINING DROPDOWN MENU**

STEP#2:

SELECT ITA-SDA APPROVAL DETAIL REPORT, CLICK THE CRITERIA BUTTON

STEP #3:

CLICK THE ADVANCED FILTER CRITERIA BUTTON

STEP #4:**SELECT YOUR WORKFORCE AREA, THEN TYPE THE WORD "PENDING" IN THE APPROVAL STATUS BOX. (ALTERNATIVELY, TYPE ANY OF THE OTHER STATUSES; APPROVED, DENIED, TO SEE A REPORT ON THOSE). ADD DATE CRITERIA IF DESIRED, THEN CLICK THE PREVIEW BUTTON.**