

SECTION 8 ELIGIBLE TRAINING PROVIDER

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Eligible training provider

Is the only type of entity that receives funding for training services, as defined in § 680.200, through an individual training account; must be included on the State list of eligible training providers and programs; must provide a program of training services; and must be one of the following types of entities:

- (1) Institutions of higher education that provide a program which leads to a recognized postsecondary credential;
- (2) Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.); or
- (3) Other public or private providers of training services, which may include:
 - (i) Community-based organizations;
 - (ii) Joint labor-management organizations; and
 - (iii) Eligible providers of adult education and literacy activities under title II of WIOA if such activities are provided in combination with training services described at § 680.350.
 - (iv) Other recognized entities identified by the SWDB.

Eligible Training Provider List (ETPL)

The CNMI's State Workforce Development Board list of approved providers of training services who are eligible to receive WIOA Title I funds.

In-demand

Refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.

Individual Training Account (ITA)

An ITA is a payment agreement established by the State Workforce Development Board on behalf of a participant with a training provider and may be used for any allowable type of training, as long as the program of training service (also referred to as "program of study") is on the state list of eligible training providers (ETP list).

Program of training services (programs of study)

A program of training services is one or more courses or classes, or a structured regimen, that provides job-driven training services ~~the services in § 680.200~~ and leads to:

- (a) An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, a postsecondary credential (an associate or baccalaureate degree);
- (b) A secondary school diploma or its equivalent;
- (c) Employment; or

(d) Measurable skill gains toward a credential described in paragraph (a) or (b) of this section or employment.

8.20 PURPOSE

The Eligible Training Provider (ETP) purpose is to provide instruction, guidance and establish criteria and procedures for organizations wishing to provide training services under the Workforce Innovation and Opportunity Act of 2014 (WIOA).

8.30 AUTHORITY

The State Workforce Development Board or SWDB has the authority over the criteria, information requirements, and procedures governing the eligibility of providers and programs of training services to receive WIOA Title 1 funds for adults, dislocated workers, and youth participants in accordance to the WIOA and approved WIOA 4 Year Unified State Plan.

The SWDB is responsible for:

- (1) Ensuring the development and maintenance of the State list of eligible training providers and programs;
- (2) Ensuring that programs meet eligibility criteria and performance levels established by the State, including verifying the accuracy of the information;
- (3) Removing programs that do not meet State-established program criteria or performance levels;
- (4) Taking appropriate enforcement actions against providers that intentionally provide inaccurate information, or that substantially violate the requirements of WIOA;
- (5) Disseminating the State list of eligible training providers and programs, accompanied by performance and cost information relating to each program to the public and;
- (6) Ensure that programs and providers provide services relevant to the needs of the CNMI.

8.40 POLICY

Providers of training services are required to be on the CNMI's Eligible Training Provider List (ETPL) in order to receive WIOA Title I Adult, Dislocated Worker and Youth funding. To be eligible to receive funds for the provision of Individual Training Accounts or ITA's, the provider shall meet conditions 1-6 below:

Condition 1:

- Be an accredited institution of higher education that provide a program that leads to a recognized postsecondary credential; This may include programs receiving approval or accreditation by the U.S. Department of Education, OR
- An entity that carries out Apprenticeship Programs, OR
- Other public or private providers that provide training, which may include community-based organizations (CBO's) and joint labor-management organizations;
- Eligible providers of adult education and literacy activities under WIOA Title II if such activities are provided in combination with training services.
- Other SWDB recognized entities.

Condition 2:

- Have been in business in the CNMI for at least one year prior to application

Condition 3:

- Provide documentation of the following:
 - Legal Standing in the Commonwealth of Northern Marianas Islands (CNMI Business License or Certification from the Department of Commerce as an Educational Institute¹, if applicable;
 - Federal Employer Identification Number;
 - Accrediting body and contact information;
 - Credential Type and Sample Copy;
 - A copy of the current certification or note from the certification body detailing the status at application.
 - A description of the most recent student enrollment that details sources of financial support; and
 - A listing of the current Board of Directors, if applicable.

Condition 4:

- Provide assurances of compliance with all non-discrimination, equal opportunities provisions, and other requirements of WIOA.

Condition 5:

- Provide assurance of cooperation with monitoring requirements, including participation in monitoring visits, routine programmatic and fiscal monitoring, onsite review to evaluate, at minimum, physical location and facilities; instructional quality and programmatic accessibility; accessibility and ADA compliance conducted by the SWDB and/or DOL-WIA staff.

Condition 6:

- Provides programs and services relevant to the needs of the CNMI.

¹Applicable to entities accepting foreign students present in the CNMI or seeking entry under a Foreign Student Entry Permit

Eligible Training Provider List Exemptions:

There are some training services/programs that are exempt from the ETPL or are subject to other policy provisions. These exceptions include the following:

- a) On-the-Job Training (OJT) - Training by a CNMI based employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge and skills essential to the full and adequate performance of the job and is made available through an OJT program;
- b) Customized Training
 - That is designed to meet the specific hiring and retention requirements of an employer (including a group of employers);
 - That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and,
 - For which the employer:
 - Pays a significant portion of the cost of training, as determined by the board involved, taking into account the size of the employer and such other factors as the board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and,
- c) Incumbent worker training - Training designed to assist workers in obtaining the skills necessary to retain employment or avert layoff;
- d) Transitional Jobs - Time-limited work experiences which are to be combined with comprehensive employment and supportive services and are to be designed to help individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention of unsubsidized employment;
- e) Internships and Work Experience - Planned, structured learning experience that takes place in a workplace for a limited period of time not to exceed a year. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private, for profit sector, the non-profit sector, or the public sector.
- f) Instances where the SWDB determines the following:
 1. There is an insufficient number of eligible providers of training services.
 2. An exception is necessary to meet the needs of individuals with barriers to employment.

3. That it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations, and such Contracts does not limit customer choice; or the board provides training services through a pay-for-performance contract.

g) Registered Apprenticeship Sponsors – Registered Apprenticeship Programs (RAP) are automatically eligible to be included on the ETP List and are exempt from the ETP eligibility requirements. A RAP sponsor may opt to be included in the ETP list and must submit a request for inclusion to the SWDB Program Committee.

8.50 INITIAL ELIGIBILITY

Initial eligibility applies to all training providers, with the exception of those listed in the Exemptions (Section 8.40). New Providers will be continually added to the ETPL as they become eligible. Initial eligibility remains in effect for one (1) calendar year from the date of approval.

To meet initial eligibility, a training provider or institution must meet the conditions in Section 8.40 and provide all of the following:

1. Information about the provider and each proposed training program;
2. Evidence of program accreditation and/or provider educational license with appropriate state or governing entity;
3. Information identifying the industry-recognized credential, national or state certificate or degree, including all industry appropriate competencies, licensing and/or certification requirements. Providers must demonstrate as part of the initial eligibility process the mechanism for awarding such credentials, certificates and/or degrees. Regardless of whether the provider's program requires a third-party certification for credential attainment/national or state certificate award, the provider is responsible for appropriately reporting such attainment to the SWDB and DOL-WIA. Copies of credentials/certificates must be made available to DOL-WIA;
4. A description of the training program's relationship or partnership with industry-related employers;
5. Information demonstrating alignment of training program with the CNMI's In-demand Sectors and Occupations;
6. Information on program cost per participant, including course catalogue or brochures demonstrating that all program-related costs are standard rates charged to the public. The course fees must be competitive with similar courses offered in the region. The SWDB reserves the right to request supporting documentation to demonstrate a cost comparison within the region. Note that to ensure the best use of funds, DOL-WIA gives preference to quality programs available for free or low cost to the community;
7. A copy of the provider's refund, grievance, drug testing (if applicable), equal opportunity, and ADA accessibility policies;
8. A description of training facilities and equipment to be utilized for each program, including evidence that such training facilities and equipment are safe, accessible by public transportation, and ADA compliant to provide an environment conducive to student achievement;
9. Information about performance for the most recent twelve (12) month period that includes:
 - i. Completion rates for all individuals in the listed program;
 - ii. Percentage of all individuals participating in the listed program who obtain unsubsidized employment after program exit
 - iii. Wages at placement in employment of all individuals participating in the listed program

- iv. Percentage of program completers who attained a post-secondary credential, secondary school diploma or equivalent during program participation or within one (1) year after program completion; and
10. Approved providers may enter into agreements with training organizations to deliver content on their behalf. In doing so, the approved provider accepts all liability and certifies that the program, meets the approved providers' requirements for content and instructors as well as all other SWDB and DOL-WIA policies and procedures. The approved provider is the sole contact for the SWDB and DOL-WIA. Approved providers must notify the SWDB and DOL-WIA of any program that will be delivered by training organizations or other third parties. The SWDB reserves the right to audit or review any course or instructor qualifications at any time;
 - A. SWDB will only evaluate and sanction the approved provider or entity.
11. Any additional information requested by the SWDB.

ETPL INITIAL ELIGIBILITY PROCESS

The following outlines the process for training providers and programs to be listed on the ETPL:

1. Training providers interested in applying to become part of the ETPL must complete the SWDB Eligible Training Application for Initial Eligibility and submit to the SWDB.
2. The SWDB Program Committee will review all submitted materials, request clarification or follow up as necessary and confirm that the organization is not debarred from doing business in the CNMI and with the federal government.
3. Confirmation of approval or denial will be issued within 30 days from the SWDB review period of the application.
4. Once the SWDB approves a program(s), the program becomes visible to the WIOA Core Programs (DOL-WIA, NMC-ABE, and OVR) and will be made accessible to the general public.

Note that the SWDB and/or DOL-WIA makes no guarantees of minimum enrollments for approved programs or providers. Enrollments of participants in DOL-WIA ETPL programs are dependent on funding and participant training needs.

Determinations

The SWDB shall make a determination with respect to an application for initial eligibility within 30 calendar days of the review period and receiving all of the required information. The SWDB shall notify an applicant if an application is determined to be incomplete, and shall keep such application open for a period of 90 calendar days from the date of receipt. If an applicant fails to submit all required information or materials with this 90-day period, the SWDB shall deny the application, and the applicant must wait 30 calendar days before resubmitting an application.

An initial eligibility determination will be decided for each training provider on a program-to-program basis and be based on the following criteria:

1. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals.
2. The degree to which the program relates to in-demand industry sectors and occupations within the CNMI.
3. Whether the program leads to an industry-recognized certificate or credential, including post-secondary credentials
4. The degree to which program completion is directly connected to related industry employment.

8.60 CONTINUED ELIGIBILITY

The SWDB will evaluate all programs on the ETPL on a bi-annual basis to ensure that they continue to meet eligibility requirements beyond the period of initial eligibility. Eligible training providers seeking to be determined as eligible for continued eligibility must provide the following:

1. Information on any additions or modifications to programs and services offered including course summary, learning outcomes, breakdown of costs, credentials to be attained, and class schedule;
2. Currently published course catalog with student cost information;
3. Current copies of the providers' refund, grievance, drug testing (if applicable), equal employment opportunity, and ADA accessibility policies, if changes have occurred since the initial eligibility period;
4. Current proof of commercial liability insurance coverage;
5. Most recent program accreditation and/or provider educational license;
6. Updated information pertaining to alignment of training program with the CNMI's In Demand Sectors and Occupations;
7. Performance Data Report for each approved training program that includes data on all program participants that shows:
 - i. Completion Rate
 - ii. Employment and employment retention rate
 - iii. Credential attainment rate; and
 - iv. Median wage after program completion
8. Student roster information for all training participants for each approved program;
9. A current academic calendar;
10. Any additional information required by the SWDB.

Determinations

The SWDB shall make a determination with respect to an application for continued eligibility within 30 calendar days of receiving all requested information. The SWDB shall notify an applicant if an application is determined to be incomplete, and shall keep such application open until the expiration of the provider's ETP contract. If a provider fails to submit all required information or materials before the expiration of the ETP contract, the SWDB shall deny subsequent eligibility, and the provider must reapply under the terms of initial eligibility.

A continued eligibility determination will be decided for each training program on a program to program basis and be based on the following criteria:

1. The ability of the program to offer education and/or training programs necessary resources and services to support student attainment of goals.
2. The degree to which the program relates to in-demand industry sectors and occupations in the CNMI.

3. Whether the program leads to an industry-recognized certificate or credential, including post-secondary credentials.
4. The degree to which program completion is directly connected to related industry employment.
5. The ability to meet the minimum performance measures established by the SWDB as negotiated with USDOL ETA.

Failure to Meet Performance Requirements

If an eligible training provider fails to meet or exceed performance levels for at least two of the performance indicators and fails to achieve at least 70 percent of the required performance levels for each of the performance indicators, the ETP will be removed from the ETPL and be ineligible to apply for a period of one (1) year.

If an eligible training provider has failed to meet required performance levels for one or more of the performance indicators but has either a) met or exceeded performance levels for two or more of the performance indicators, or b) achieved at least 80% of the required performance levels for each performance indicator, they shall be placed on probationary status. The SWDB may approve an application for subsequent eligibility for an eligible training provider on probationary status for one (1) year if the eligible training provider enters into a performance improvement plan that describes how the provider will meet or exceed performance levels for the subsequent year.

If an eligible training provider on probationary status fails to meet or exceed performance levels for each of the five performance indicators during the subsequent year, they will be removed from the CNMI's SWDB ETPL, and will be ineligible to apply for the ETPL for a period of one (1) year.

OUT OF STATE/ONLINE PROVIDERS

Providers outside of the Commonwealth of the Northern Mariana Islands who have in-state training facilities may provide training services in the CNMI but will be required to comply with the eligibility requirements outlined in this policy. Providers which deliver content fully online will be looked at on a case-by-case basis.

PRICE CHANGE

The original price of the training program submitted with the approved program application must be used for the duration of the program unless the provider submits a request to the SWDB with the reason for the change and complete the ETPL Application Attachment A. The new price will take effect after the SWDB approves the price change. If Provider makes a price change without approval, the SWDB reserves the right to delist the program or limit reimbursement to the approved price.

REFUNDS

Training providers are required to refund to DOL-WIA all or a portion of the cost of the training if a participant does not complete the program. If a provider has a tiered (i.e. allows for full and/or partial refunds depending on portion of program completed) drop and refund policy which has been approved by the board and is publicly available to all perspective students, that policy may be used; however, a copy must be provided to the SWDB for review and approval. If the provider does not have a drop and refund policy in place and/or the drop and refund policy is not tiered (i.e. does not allow for full and/or partial refunds depending on portion of program completed) the provider must follow and publish the below refund policy:

Enrollment/Participation Status	Refund Level
Registered but did not start program	No payment will be made to provider
Attended 7 days or fewer	Full refund
Attended less than 75% of program	Partial refund
Attended 76%-100% of program	No refund required

Failure to appropriately refund DOL-WIA, or significant delays in issuing refunds, may result in removal from the ETPL. If an accredited, approved provider chooses to work with a third party to deliver any services using WIOA funds, that third party is also subject to the above drop and refund guidance. All refunds will be coordinated through the approved provider only. The SWDB and/or DOL-WIA will NOT work directly with any third parties. The approved provider is responsible for any and all resolution required with its third parties.

8.70 DENIALS AND REMOVAL

A. Denial of Initial Eligibility

The State Workforce Development Board or SWDB may deny an application and/or its program(s) if:

1. The applicant fails to meet the minimum criteria for initial eligibility as specified in Section 8.40
2. The initial eligibility application is not complete.
3. The applicant intentionally supplied inaccurate information. Penalties are described in WIOA Sec. 122(f)(1)(A) and subparagraph (C).
4. The applicant substantially violated any requirement under WIOA. Penalties are described in WIOA Sec. 122(f)(1)(B) and subparagraph (C).
5. The program needs, funding or convenience do not require the service.
6. The training program is available for free or lower cost from another source in the community.
7. Does not meet federal or local assurances

B. Removal of Provider or Program from the ETPL

A Training provider and/or its program(s) may be removed from the ETPL for the following reasons:

1. The training provider fails to meet the minimum criteria for continued eligibility as specified in Section 8.60.
2. The training provider fails to furnish participant data and performance data required for the performance review with the established due date.
3. It is determined the training provider intentionally supplied inaccurate information.
4. It is determined that the training provider substantially violated any requirement under WIOA.
5. The training provider or program loses its educational license or accreditation.
6. The training provider or program fails to meet the minimum levels of performance established by the SWDB.
7. The training provider fails to notify the SWDB of any program changes including, but not limited to, costs or location of training.
8. It is determined the training provider is not eligible to do business with the Commonwealth of the Northern Marianas Islands.
9. The training provider is now debarred from doing business with the Federal Government.
10. The training provider has experienced fraud, malfeasance or other illegal activity involving WIOA funds or participants.
11. The training provider has not complied with Equal Opportunity and Nondiscrimination guidelines.
12. Customer satisfactions surveys demonstrate a history of challenges with the program or provider.

13. The training provider has a history of failure to provide refunds as required under the policy.
14. DOL-WIA program needs, funding or convenience no longer require the service.
15. The training program is available for free or lower cost from another source in the community.
16. Does not meet federal or local assurances.

8.80 APPEALS PROCESS

An applicant or eligible training provider may appeal to the SWDB Executive Committee the denial or de-listing of the initial or continued eligibility on the ETPL or the removal of a program(s) already listed on the ETPL.

- A. A provider wishing to appeal a decision by the SWDB must submit an appeal to the SWDB Executive Committee within 30 days of the issuance of the denial or removal notice. The appeal must be in writing and include a statement of the desire to appeal, specification of the program in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate Provider official.
- B. Upon receipt of the written appeal, the SWDB shall schedule a hearing to be held at or before the next quarterly meeting of the SWDB. Both the appellant and SWDB members shall have the opportunity to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues, and to be represented.
- C. The SWDB Executive Committee will notify appellants of its final decision on an appeal within 30 days of the hearing. This period includes a hearing, if requested by the Provider.

REFERENCES:

- US PL 113-128 The Workforce Innovation and Opportunity Act
- US DOL ETA Advisory TEGL 8-19