



**MIDLANDS WORKFORCE DEVELOPMENT AREA INSTRUCTION LETTER: PY 20-02**

**TO:** Midlands WIOA Grantees

**FROM:** Chris White, Director *CW*  
Midlands Workforce Development Area

**ISSUANCE DATE:** March 11, 2021

**EFFECTIVE DATE:** Immediately

**SUBJECT:** **Eligible Training Provider List**

**PURPOSE:** Transmit the Midlands Workforce Development Area's (MWDA) policies and procedures governing the Eligible Training Provider List (ETPL) under the provisions of the Workforce Innovation and Opportunity Act (WIOA).

**BACKGROUND:** Section 122 of WIOA established the eligibility criteria for training providers seeking to be placed on the list of providers eligible to receive funding for training WIOA-eligible participants. Subject to the provisions of WIOA, the provider shall:

- Qualify as one of the following:
  - An institution of higher education that provides a program that leads to a recognized postsecondary credential;
  - An entity that carries out apprenticeship programs including Industry Recognized Apprenticeship Programs (IRAPs) and Registered Apprenticeship Programs (RAPs);
  - A public or private training provider, including community-based organizations, joint labor-management organization, and pre-apprenticeship programs
  - Providers of adult education and literacy activities if such activities are provided concurrently or in combination with training services.
- Be a legal entity
- Be registered or licensed by the appropriate governing board or agency prior to applying for placement on the ETPL
- Provide an appropriate program of training services (requirements below)
- Have the ability to do all of the following:
  - Offer programs that lead to recognized postsecondary credentials or certifications
  - Meet the needs of local employers and participants
  - Serve individuals with barriers to employment
- Have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed that are in writing and published to ensure students are aware of how to request a refund
- Have a written grievance policy for students to file complaints within an organization against faculty, staff, or other employees that is published to ensure that students are aware of how to file a complaint



- Comply with all applicable non-discrimination and equal opportunity provisions as potential recipients of WIOA funds, in accordance with WIOA §188

NOTE: No individual in the US may be excluded from participating in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any program or activity funded under WIOA Title I for any of the following characteristics.

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity)
- National origin (including limited English proficiency)
- Age (individuals aged 40 years and older),
- Disability, or
- Political affiliation or belief

Additionally no beneficiary of, an applicant to, or participant in any WIOA Title I program may be discriminated against based on citizenship or participation in any program or activity under WIOA Title I.

Providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities or transitional employment shall not be subject to the provisions of this instruction.

**POLICY:**

The statewide list of Eligible Training Providers includes training programs that are currently certified by one or more Local Workforce Development Areas (LWDA). General inquiries regarding certified programs should be directed to the Midlands Workforce Development Area via email to [inquires@midlandsworkforce.org](mailto:inquires@midlandsworkforce.org) or by phone at 803-744-1670.

The Midlands WDA will consider all programs approved for the statewide Eligible Training Provider List, but establishes the following additional requirements of entities seeking eligibility to provide training services in the Midlands Workforce Development Area:

1. Be in business under current ownership for a minimum of two (2) years and provide performance data for programs.
2. Be licensed by the South Carolina Commission on Higher Education (CHE), or provide verification from CHE that licensure is not required.
3. Be nationally or regionally accredited by a regulating body recognized by the US Department of Education (such as SACS, NEASC, NCA, MSA, WASC, NWCCU)
4. <https://ope.ed.gov/dapip/#/home>
5. Where programmatic accreditation is not available for a course of study, the provider must be able to issue an industry-recognized and portable credential to participants completing the course.



6. Offer training in a facility that is in compliance with ADA requirements, and be able to pass a site visit.
7. Report performance to the South Carolina Department of Employment & Workforce's SC Works Online Services system (SCWOS).
8. Meet provider performance standard measure set by the state or local area. Local measures to be determined.
9. Be subject to review/analysis by the Midlands WDA, and respond to all questions or concerns of the MWDA.

\*Providers who operate solely as online institutions are not eligible for local approval.

The MWDB reserves the right to make special considerations to the above local requirements if sufficient justification is provided.

#### **Eligible Training Courses**

1. Must be offered to the general public.
2. Provide in-demand educational/training courses and activities based on current labor trends and within the Midlands approved training clusters: Healthcare, Construction, Transportation/Logistics, Advanced Manufacturing, Information Technology, or Business.
3. Provide a structured regimen/curriculum.
4. Include an on-going evaluation of progress.
5. Include the ability to evaluate successful completions.
6. Lead to an industry-recognized certificate, diploma, or degree.
7. Lead to a specific job or group of jobs

#### **Initial Eligibility**

Applications are received by the Midlands WDA via the State ETPL portal (PATH) for training providers and programs requesting consideration for the Midlands WDA after a content-only determination at the State level. Administrative staff will review the application in PATH in regards to the State and local guidelines for approved providers and programs. During the review period, the local area may request additional information/clarification from the provider. If the application for the provider and/or program(s) is not approved, the provider will be notified within 45 days of receipt.

Approved ETPL training providers are responsible for maintaining up-to-date information for the ETPL in PATH in order to continue receiving WIOA training referrals and funds. Failure to update program information may result in the removal of the program from the ETPL. Any significant change to a program, including a change in the program's costs, may require re-evaluation for approval.

#### **Continuing Eligibility**

After the initial eligibility period of one year, the training provider, with the exception of RAP sponsors, must submit an application for continued eligibility for each program of training, and resubmit an application every year thereafter. The continued eligibility application requirement ensures that training provider and program information are accurate, and performance



reporting standards are met. A system-generated email notification from the PATH system will be sent to the provider's listed point of contact 60 days prior to the expiration of a program's approval status. ETPs must update the point of contact information if there is a change. To seek continued eligibility the provider must provide all of the following:

- Any changes to provider or program information previously approved must be submitted, including a current program description, breakdown of tuition costs and fees, credentials to be attained, and contact information; and
- A signed MOA in which the provider agrees to share data with the State pertaining to training outcomes, including individual coursework and other PII to match training and employment data and outcomes for all students, including WIOA-funded students and non-WIOA-funded students.

The State will review the application content in PATH to ensure all required information has been submitted correctly within 15 calendar days.

### **Removals**

Programs of training that have been removed from the ETPL may be reinstated after one year by applying through the initial application process unless removal was due to willful submission of inaccurate information, repeated failures to submit required information, or a failure to cooperate with the Local WDAs. If removal was the result of the willful submission of inaccurate information, the program of training may be reinstated on the ETPL after two years of applying through the initial application process. Repeated failures to submit the required information and a failure to cooperate will be considered a substantial violation of WIOA requirements. A "substantial violation" includes one or more violations in a short period of time or numerous minor violations over a longer period of time. A provider whose eligibility is terminated under these conditions must be terminated for not less than two years and is liable to repay training funds received during the period of noncompliance.

### **Appeal Procedure**

The MWDB reserves the right not to approve training programs that are part of the statewide list in accordance with established policies.

The Midlands WDA will notify the training provider in writing when a determination is made regarding the placement of a course on the local training provider list. In the event that the Midlands WDA declines to place a provider or course from the statewide list on the local area's list of approved training programs, the training provider will have the right to appeal that decision. In addition, the Midlands WDA reserves the right to terminate a provider's eligibility for placements on the local training provider list if it determines it is in its best interest to do so. Reasons for termination of a training provider's eligibility for the local list include, but are not limited to, intentionally supplying inaccurate information, substantial violations of the Workforce Innovation and Opportunity Act (WIOA), change in industry demand for a specific training program, change in local WDA determined in-demand sectors, unsatisfactory



performance, change in the quality of the program, or its ability to produce a post-secondary or industry-recognized credential, etc.

In the event that a training provider or course is not approved for, or is approved but subsequently removed from the Midlands WDA local list, the following appeal procedures will apply:

1. The applicant submits a Notice of Appeal to the Administrator of the Midlands WDA. The appeal must be received within 10 calendar days after the date of the notice of denial or removal. The written appeal must include:
  - A statement of the desire to appeal;
  - A description of the program denied; and
  - Detailed justification of why the applicant feels the determination by the Midlands WDA is in error, including all supporting facts.

Appeals must be submitted to:

Midlands Workforce Development Area  
Attn: Administrator – ETPL Request to Appeal  
100 Executive Center Drive, Suite 218  
Columbia, SC 29210

Or

By email to [mwdb@midlandsworkforce.org](mailto:mwdb@midlandsworkforce.org) with the subject line **ETPL Request to Appeal**

2. Should an appeal not be filed and received within 10 calendar days of the letter of denial or removal, the decision will stand. There will be no further recourse for appeal after the 10-day time frame has expired.
3. The appeal, if compliant, will be reviewed by the Midlands WDA Administrator to determine if an informal hearing before the MWDB Executive Committee, or designated ad hoc committee of the board is necessary, or if sufficient information has been presented to result in a reversal of a previously-issued denial or removal. In the event that a hearing is necessary, the appeal will be submitted to the MWDB Executive Committee for review and scheduled for an appeal hearing by the Executive Committee, or designated ad hoc committee. Appellants will be notified of the location, date, and time of the scheduled hearing to present to the committee within 30 days.

In the event that a hearing is not scheduled within 60 days of the appeal being filed, the Appellant may appeal to the State Administrative Entity.

4. The Midlands WDA will notify the Appellant of the Midlands WDA's final decision within 10 days of the hearing.



The Midlands WDA decision may be appealed to the State Entity per the State Appeal Procedures which will be provided with the decision. The State Administrative Entity's decision will be final, as a decision made under this appeal may not be appealed to the Secretary of the Department of Labor, under the provisions of WIOA.

Nothing in the instruction prevents a complainant from pursuing a remedy authorized under another Federal, State, or local law.

**ACTION:**

Training providers seeking initial eligibility for the Statewide Eligible Training Provider list are required to submit requested information to the SC Department of Employment and Workforce using the Palmetto Academic Training Hub (PATH) portal <https://www.scpaath.org/>. Detailed instructions and tutorials are available to assist interested training providers in uploading their information to the State ETPL. Once the initial vetting of the program application is concluded by the State and the Midlands WDA is notified, the Area will make a determination, based on established policies, regarding whether or not the course(s) will be placed on the local area's list, for those providers who request placement on the Midlands WDA's local list. This process will apply to both initial and subsequent eligibility applications.

**INQUIRIES:**

If there are any questions regarding this instruction, please contact Midlands Workforce Development Board staff at (803) 744-1670.