

State Policy

Workforce Innovation and Opportunity Act (WIOA)

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| Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov | Policy category |
| | Training |
| | Effective date |
| | September 10, 2020 |
| | Supersedes |
| | Eligible Training Providers (effective date February 21, 2018) |

Eligible Training Providers, Change 1

REFERENCE

Federal and state laws, regulations, rules, and other guidance and documentation relied upon for the development of this policy are cited in footnotes.

BACKGROUND

Nebraska's Eligible Training Provider List¹ (ETPL) is a list of training providers that are qualified to receive WIOA² funding for providing training services to eligible individuals through approved training programs, including Registered Apprenticeship programs.

ACTION

This policy supersedes and cancels the State's³ current Eligible Training Providers policy (effective date February 21, 2018). Questions and comments on this policy may be submitted in writing to the WIOA policy mailbox at ndol.wioa_policy@nebraska.gov.

¹ Nebraska's ETPL is provided online through NEworks. To access the list, go to <https://neworks.nebraska.gov>. On the NEworks homepage, click on *Training Services* in the *Job Seekers* column, then click on *ETPL Approved Programs*.

² WIOA refers to the Workforce Innovation and Opportunity Act of 2014.

³ State refers to the Nebraska Workforce Development Board and the Nebraska Department of Labor (acting on the Governor's behalf pursuant to the Governor's Executive Order No. 15-03).

Each local workforce development board (local board) must:

- ensure that the local board's regional and local plan aligns with the requirements of this policy, especially in relation to any supplemental criteria, information, and performance requirements the local board may establish regarding a training provider's local eligibility (refer to [Section VIII\(b\)](#));
- work with NDOL to ensure sufficient numbers and types of training providers serving local areas, including training providers with expertise in serving individuals with disabilities and adults in need of education and literacy activities (refer to [Section VIII\(b\)](#));
- ensure the dissemination and appropriate use of the ETPL through the local one-stop delivery system (refer to [Section VIII\(b\)](#)); and
- ensure that local area staff, including service provider staff, are knowledgeable of the requirements of this policy and follow the consumer choice requirements described in [Section VIII\(b\)\(1\)](#).

CHANGES

Once finalized, this draft policy will establish the following material changes to the superseded and cancelled policy.

- References to Registered Apprenticeship programs throughout the policy now also refer to National Registered Apprenticeship programs.
- Table 1 in [Section I\(a\)](#) has been revised to include eligibility requirements for providers regarding the provision of physical and programmatic accessibility for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
- Tables 2 and 3 in the former policy have been combined into a single table, Table 2 in [Section I\(a\)](#).
- [Section I\(d\)](#) has been added to define requirements relating to use of third parties by training providers to provide training.
- [Section I\(g\)](#) has been added regarding technical assistance for training providers.
- [Section II\(b\)](#) has been revised regarding the length of the eligibility determination period.
- [Section III](#) has been revised to include information on the automatic eligibility of National Registered Apprenticeship programs, exceptions relating to Registered Apprenticeship and National Registered Apprenticeship programs, costs associated with related technical instruction, and technical assistance for sponsors of Registered Apprenticeship and National Registered Apprenticeship programs.

- [Section IV\(a\)\(1\)](#) has been revised to clarify that sponsors of Registered Apprenticeship and National Registered Apprenticeship programs are not subject to program performance reporting requirements in relation to denial or termination of eligibility.
- [Section V\(a\)](#) has been added regarding program performance indicators that apply to training provider programs.
- [Section V\(b\)\(1\)](#) has been added regarding exceptions to training provider reporting requirements.
- [Section V\(c\)](#) has been revised regarding publication of state-level training provider program performance reports.
- [Section VI](#) has been revised to clarify that providers on Nebraska's ETPL are the only providers eligible to receiving WIOA Title I funding through individual training accounts for the provision of training services.
- [Section VII](#) has been revised and no longer includes provisions relation to participants who were enrolled in training programs under the Workforce Investment Act.
- [Section VII\(a\)](#) has been revised to clarify that participants must not be enrolled in a program for which eligibility has been denied or terminated.

POLICY

This policy is organized into eight sections and one appendix.

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Section I. Eligibility criteria

Eligibility is based on the characteristics of the training provider and the training provider's program.

(a) Provider eligibility

A training provider must meet all criteria listed in Table 1.

Table 1. Training provider eligibility criteria

| Criteria |
|--|
| 1. The training provider must provide information about its organization and information for its primary representative. ⁴ |
| 2. The training provider must be 1 of the following: ⁵ <ol style="list-style-type: none"> Registered Apprenticeship program or National Registered Apprenticeship program;⁶ Industry Recognized Apprenticeship program;⁷ postsecondary education institution; or other public or private provider of training, such as a: <ol style="list-style-type: none"> community-based organization; joint labor-management organization; or provider of WIOA adult education and literacy activities (Title II activities), provided the activities occur in combination with work-based training. |
| 3. The training provider must have been in operation at least 12 months at the time of application. |
| 4. The training provider must be authorized by accrediting or governing authority to provide training services in Nebraska or to Nebraska residents. ⁸ |
| 5. The training provider must provide information on its participation (or non-participation) in the Federal Pell Grant Program. |
| 6. The training provider must: <ol style="list-style-type: none"> comply with the requirements of:⁹ <ol style="list-style-type: none"> WIOA Sec. 188 and 29 CFR Part 38, which prohibit discrimination on the basis of age, disability, sex, race, color, national origin, political affiliation or belief, or student status; discrimination against certain noncitizens; and assistance for facilities used for religious instruction or worship; the Americans with Disabilities Act, as amended; provide physical and programmatic accessibility to its programs for individuals who are employed and individuals with barriers to employment, including individuals with disabilities; submit program performance reports as required under Section V(b); and retain documentation verifying the accuracy of submitted program performance reports and provide access to the documentation as required under 2 CFR § 200.333 and described under Section V(b)(3). |
| 7. The training provider must not be debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities. ¹⁰ |

(b) Program eligibility

In addition to the provider eligibility requirements described above in [Section I\(a\)](#), program eligibility requirements described in Table 2 must be met.

⁴ 20 CFR § 680.430(a)

⁵ 20 CFR § 680.410(d); TEGL 8-19

⁶ Registered Apprenticeship and National Registered Apprenticeship programs *are automatically eligible* for inclusion on the ETPL, as described in [Section III](#), and *are not* subject to the eligibility requirements described in Sections I(a) – (d). Procedures for inclusion of Registered Apprenticeship and National Registered Apprenticeship programs are described in [Section III](#).

⁷ Industry Recognized Apprenticeship programs and non-sponsoring intermediaries of Registered Apprenticeship programs *are not automatically eligible* for inclusion on the ETPL and *are* subject to the eligibility criteria and processes described in [Section I](#) and [Section II](#) [TEGL 8-19].

⁸ 20 CFR § 680.460(f)(5)

⁹ 20 CFR § 683.285

¹⁰ 20 CFR § 683.250(a)(4)

Table 2. Program eligibility requirements¹¹

| Criteria |
|---|
| 1. The training provider must submit a complete program application for eligibility that includes information on: <ul style="list-style-type: none"> a. its business partnerships relating to the program; b. all location(s) where the program is offered; c. how the program is linked to employment opportunities in in-demand occupations in Nebraska based on at least 1 Standard Occupational Classification (SOC) code relating to the program). |
| 2. The program must provide 1 or more courses or classes leading to 1 or more of the following: <ul style="list-style-type: none"> a. certificate of completion for a Registered Apprenticeship program or National Registered Apprenticeship program; b. industry-recognized certificate or certification, including those awarded under Industry Recognized Apprenticeship programs; c. license recognized by the Federal government, State of Nebraska, or another state; d. postsecondary diploma; e. associate or baccalaureate degree; f. secondary-school diploma or its equivalent earned <i>in conjunction with</i>: <ul style="list-style-type: none"> i. occupational skills training; ii. on-the-job training; iii. incumbent worker training; or iv. workplace training; g. employment; or h. measurable skills gains toward: <ul style="list-style-type: none"> i. employment; or ii. any of the credentials described above. |
| 3. The program must be linked to employment opportunities in 1 or more in-demand occupations in Nebraska or the region of Nebraska in which the program is offered. ¹² |

(c) Additional eligibility criteria

In addition to the criteria described in Tables 1 and 2, NDOL may consider the criteria described in Table 3 when determining training provider and program eligibility.

Table 3. Additional training provider and program eligibility criteria¹³

| Criteria |
|---|
| 1. Training provider program performance reports |
| 2. NDOL's obligation to ensure access to training services throughout Nebraska and through the use of technology |
| 3. Information reported to state agencies on Federal and state training programs other than programs authorized under WIOA Title I adult, dislocated worker, and youth programs |
| 4. Encouraging the use of industry-recognized certificates and credentials |

¹¹ 20 CFR §§ 680.450(e) and 680.490; TEGL 8-19

¹² This is determined based on the (a) Standard Occupational Classification (SOC) code provided by the training provider in the application submitted in NEworks, (b) current High Wage, High Skill, High Demand (H3) Occupations dataset posted in the Labor Market Analysis Data Download Center in NEworks, and (c) Nebraska Career Education Model defined and provided by the Nebraska Department of Education as it relates to career pathways.

¹³ 20 CFR § 680.460(f)

| Criteria |
|--|
| 5.The quality of the program and ability of the training provider to offer programs leading to postsecondary credentials |
| 6.Other factors NDOL may determine are appropriate |

(d) Training provider use of third parties to provide training

If the training provider contracts with a third party to provide training services for a program *and* that third party awards the resulting credential, that third party must be:

- appropriately accredited by a higher education authority; or
- licensed or authorized to provide training services in the State of Nebraska as required under Nebraska's Private Postsecondary Career School Act.¹⁴

(e) Ineligible programs

The following types of programs *are not* eligible for inclusion on the ETPL:

- programs associated solely with occupations resulting in commission-only earnings; and
- programs that are not linked to employment opportunities in in-demand occupations in Nebraska.

(f) Excluded training services

The following training services funded with WIOA Title I adult, dislocated worker, and youth program funds are excluded from inclusion on the ETPL:¹⁵

- on-the-job training;
- customized training;
- incumbent worker training;
- internships;
- paid or unpaid work experiences; and
- transitional jobs.

(g) Technical assistance

NDOL provides technical assistance to training providers regarding the purposes of the ETPL and benefits of participation in the ETPL, as well as the application and reapplication processes and requirements.

¹⁴ Neb Rev. Stat. §§ 85-1601 – 85-1658 (Title 92, Chapter 41)

¹⁵ 20 CFR § 680.530(a)

Section II. Eligibility processes

(a) Application

(1) Initial eligibility

To apply for initial eligibility and inclusion on the ETPL, the training provider must:

- set up a training provider account in [NEworks](#); and
- complete and submit an online application in NEworks for each new program the provider intends to offer through the ETPL.

(2) Continued eligibility

To apply for continued eligibility and inclusion on the ETPL, the training provider must:

- review and update its existing training provider account in [NEworks](#); and
- review, update, and submit the existing online application in NEworks for each program the provider intends to continue offering on the ETPL.

(b) Eligibility determination

Program applications are reviewed by NDOL based on the criteria described in [Section I](#). Provider and program eligibility will not be determined until:

- training provider eligibility has been verified for initial eligibility or reverified for continued eligibility; and
- each submitted program application is fully complete.

NDOL will issue a notice of determination by email to the training provider within 45 days of the date of submission of a complete application.

(c) Initial eligibility

If determined eligible based on the eligibility criteria established in [Section I](#) of this policy, new programs receive initial eligibility. Initial eligibility is limited to one year.¹⁶

(d) Continued eligibility¹⁷

The training provider must reapply and establish continued eligibility for the program. If determined eligible based on the eligibility criteria established in [Section I](#) of this policy, the program will receive continued eligibility. Continued eligibility is limited to two years.

¹⁶ 20 CFR § 680.450(g)

¹⁷ 20 CFR §§ 680.460(a)(2) and 680.460(i)

Section III. Registered Apprenticeship programs

Registered Apprenticeship programs, including National Registered Apprenticeship programs, are automatically eligible for inclusion on the ETPL.¹⁸

- On an annual basis,¹⁹ NDOL notifies Nebraska sponsors of Registered Apprenticeship programs by email of automatic eligibility for inclusion on the ETPL. If interested, the sponsor must provide basic sponsor information and a copy of the registered program standards to NDOL by email to ndol.wioa_policy@nebraska.gov.
- Sponsors of National Registered Apprenticeship programs are not notified of automatic eligibility. However, if interested in inclusion on the ETPL, the sponsor must provide basic sponsor information and a copy of the registered program standards to NDOL by email to ndol.wioa_policy@nebraska.gov.
- NDOL may request information on the cost of the related technical instruction (RTI) if the program sponsor is not the provider of RTI.²⁰

Once included on the ETPL, the Registered Apprenticeship or National Registered Apprenticeship program is maintained on the ETPL:²¹

- for as long as the program remains registered with the US Department of Labor Office of Apprenticeship;
- until the sponsor contacts NDOL by email at ndol.wioa_policy@nebraska.gov and requests to be removed from the ETPL; or
- unless the sponsor's or program's eligibility is denied or terminated, as described in [Section IV](#).

(a) Exceptions

Sponsors of Registered Apprenticeship programs are not subject to:

- initial and continued eligibility requirements described in [Section II](#); or
- program performance reporting requirements described in [Section V](#).

(b) Technical assistance

NDOL provides technical assistance to sponsors of Registered Apprenticeship and National Registered Apprenticeship programs regarding the purposes of the ETPL and benefits of participation in the ETPL.

¹⁸ 20 CFR § 680.470(a)

¹⁹ Note that prior to the cancellation of TEGL 41-14 and TEGL 41-14 Change 1, NDOL provided notification on a biannual basis as required under the cancelled TEGLs.

²⁰ TEGL 8-19

²¹ 20 CFR §§ 680.460(j) and 680.470(b)

NDOL may also provide technical assistance to sponsors of National Registered Apprenticeship programs who are seeking the participation of Nebraska employers in their programs.

Section IV. Denial or termination of eligibility

(a) Denial or termination by NDOL

NDOL is solely responsible for making determinations on the denial or termination of eligibility for inclusion on the ETPL and will do so based on:²²

- the provisions of WIOA, its implementing rules and regulations, and other applicable laws, rules, and regulations;
- written documentation that substantiates the determination; and
- if applicable, any supplemental criteria and information and performance requirements established by a local board under local policy.

NDOL will notify the training provider or sponsor of a Registered Apprenticeship or National Registered Apprenticeship program by email of denial or termination of eligibility and provide the reason(s) for denial or termination.

(1) Reasons for denial or termination

1. NDOL must deny or terminate the eligibility of any training provider or program that fails to meet the eligibility criteria described in [Section I](#).²³
2. NDOL must deny or terminate the eligibility of any training provider or sponsor of a Registered Apprenticeship or National Registered Apprenticeship program for a period of not less than two years and require repayment of all WIOA Title I adult, dislocated worker, and youth programs funds received by the provider or sponsor during the period of noncompliance, when it is determined that the training provider or sponsor:²⁴
 - a. intentionally supplied inaccurate information, or an individual supplying information on behalf of the training provider or sponsor supplies inaccurate information;
 - b. substantially violated any provision of WIOA Title I, including the requirement to:²⁵
 - i. adhere to the nondiscrimination requirements of WIOA Sec. 188 and 29 CFR Part 38;

²² 20 CFR §§ 680.470(c) and 680.480

²³ 20 CFR § 680.480(c)

²⁴ 20 CFR §§ 680.460(l)(2), 680.470(c), and 680.480(b)

²⁵ When determining a substantial violation, NDOL must take into account exceptional circumstances beyond the training provider's or sponsor's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues [20 CFR § 680.460(l)(2)].

- ii. adhere to the requirements of the Americans with Disabilities Act, as amended;
 - iii. submit a program performance report as required under [Section V\(b\)](#) (does not apply to sponsors of Registered Apprenticeship or National Registered Apprenticeship programs); or
 - iv. retain or provide access to documentation as required under [Section V\(b\)\(3\)](#).
3. NDOL may terminate the eligibility of a training provider or program for other reasons relating to the provisions of WIOA, its implementing rules and regulations, and other applicable laws, rules, and regulations, including requirements established by a local board under local policy.
4. For Registered Apprenticeship and National Registered Apprenticeship programs on the ETPL, NDOL verifies the program's registration status once every two years with Nebraska's US Department of Labor State Office of Apprenticeship.²⁶ Programs that are no longer registered will be removed from the ETPL and notified in writing of the reason for removal.

The remedies and penalties prescribed under WIOA, and in this policy, supplement but do not supplant other civil and criminal remedies and penalties in other provisions of law.²⁷

(2) Appeal Process

Training providers and sponsors of Registered Apprenticeship and National Registered Apprenticeship programs may appeal a denial or termination of eligibility, including denial or termination of local eligibility by a local board.²⁸ To appeal, the training provider or sponsor must submit a written request for a hearing to the Commissioner of Labor (Commissioner) at the address provided below within 30 calendar days of notification of denial or termination.

Commissioner of Labor
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within 30 calendar days of the Commissioner's receipt of the written request for a hearing. The hearing will include:

- a statement of the reasons why the training provider's or sponsor's eligibility was denied or terminated; and
- an appeal by the training provider or sponsor describing why the decision should be reversed or a compromise established.

²⁶ 20 CFR § 680.460(j)

²⁷ WIOA Sec. 122(f)(2)

²⁸ 20 CFR §§ 680.480(d) and 683.630(b)

The Commissioner will render a final judgment that will include the length of time the training provider or sponsor remains ineligible and conditions under which reestablishment of the training provider's or sponsor's eligibility are justified.

A decision issued under this appeal process may not be appealed to the Secretary of Labor.²⁹

(b) Denial or termination by local boards³⁰

If a local board requires supplemental criteria and information from local training providers or has established levels of performance higher than those required by NDOL according to local policy, as permitted under [Section VII\(b\)](#), the local board may deny or terminate a program's local eligibility for failure to meet those supplemental requirements or standards.

Training providers may appeal to NDOL regarding a local board's denial or termination of local eligibility, according to the procedures described above in [Section IV\(a\)\(2\)](#).

Section V. Program performance reports³¹

(a) Program performance indicators

Program performance is based on four indicators:³²

1. percentage of individuals who are employed during the second quarter after exit from the program;
2. percentage of individuals who are employed during the fourth quarter after exit from the program;
3. median earnings of individuals who are employed during the second quarter after exit from the program; and
4. percentage of individuals who obtain a credential based on participation in the program.

(b) Training provider reports

Each training provider must submit program performance reports on an annual basis to NDOL for each of the provider's approved programs using the data template provided by NDOL. Data must be submitted no later than August 1 of each calendar year for the 12-month period beginning July 1 of the previous calendar year. This 12-month period is the "reporting period."

Example. On August 1, 2021, the training provider submits a program performance report for each of its approved programs for the reporting period beginning July 1, 2020 and ending June 30, 2021.

²⁹ 20 CFR § 683.630(b)(3)

³⁰ 20 CFR § 680.480(e)

³¹ 20 CFR §§ 680.460(h)(1) and 680.490

³² TEGL 3-18

Reports must be based on data for all students who are enrolled in and all students who completed the program during the reporting period, subject to the exceptions described below in [Section V\(b\)\(1\)](#).

(1) Exceptions

Based on the June 21, 2019 approval of the NDOL's waiver request regarding the all-students performance reporting requirement, training providers *are not* required to submit the program performance reports described above for the Program Year 2019 reporting period (July 1, 2019 – June 30, 2020).

If NDOL receives approval of a future waiver request regarding the all-students performance reporting requirement, NDOL will notify training providers and provide technical assistance regarding the approved waiver.

(2) Technical assistance

NDOL will provide technical assistance upon written request regarding submission of program performance reports. Requests for technical assistance must be submitted by email to ndol.wioa_policy@nebraska.gov.

(3) Records retention and access³³

Records pertaining to a program performance report must be retained for a period of three years from the date of submission of the report, except under the following circumstances:

- if any litigation, claim, or audit relating to the training provider or program is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the performance report has been resolved and final action taken; or
- when the training provider is notified in writing by a Federal agency or NDOL to extend the retention period.

The US Department of Labor and NDOL, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of a training provider which pertain to a program performance report, in order to make audits, examinations, excerpts, and transcripts.

The right of access also includes timely and reasonable access to the training provider's personnel for the purpose of interview and discussion related to such documents. These rights of access are not limited to the required retention period described above. The rights of access last as long as the records are retained by the training provider.

(c) State-level reports³⁴

WIOA Secs. 116(d)(4) and 116(d)(6)(B) and 20 CFR 677.230 require states to report performance information relating outcomes for individuals served by each approved program of study on their respective ETPL. States report this information annually through the WIOA ETP Performance

³³ 2 CFR §§ 200.333 and 200.336(a) and (c)

³⁴ TEN 24-19

Report (ETA-9171) as described in TEGL 3-18. The US Department of Labor will publish the results of the ETA-9171 ETP Performance Reports on the Training Provider Results website in December 2020. When the website goes live it will have a number of search features for training seekers. Consumers will be able to use the website to explore training programs, and careers. The website will allow users to compare programs of study nationally, within a state, and across similar fields of study. Consumers can compare training provider performance outcomes and program costs and filter selections to programs that meet their needs, such as online-only programs, in-person, or blended learning programs. The website will contain all output information states provide in the official ETA-9171 reports. NDOL will provide access to reports published annually on the Training Provider Results website.

Section VI. Individual training accounts

Training providers on Nebraska's ETPL are the only entities eligible to receive funding through ITAs.³⁵ Use of ITA funds for training services with all other training providers is strictly prohibited.

To receive payment for training services through an ITA, a training provider must establish eligibility as a training provider and for its program *prior* to the initial enrollment of any WIOA program participant in the training provider's program.

Section VII. Participants enrolled in ineligible programs

(a) Terminated programs

Any WIOA participant who is enrolled in a program for which eligibility has been denied or terminated by NDOL pursuant to [Section IV](#):

- is not permitted to enroll in or complete the program; and
- must be transitioned to another program on the ETPL, provided the participant wishes to continue with training services, and the career planner must assist the participant transition to that program.

(b) Withdrawn programs

If a WIOA Title I participant is enrolled in a program that has been voluntarily withdrawn from the ETPL by the training provider, ITA funds must not be used to pay for training services provided through the withdrawn program. If the participant wishes to:

- continue in the withdrawn program, the career planner must assist the participant with identification of non-ITA funding sources; or
- transition to another program on the ETPL, the career planner must assist the participant transition to that program.

³⁵ 20 CFR §§ 680.410(a) and 680.520(b); TEGL 21-16

Section VIII. Roles and responsibilities³⁶

(a) NDOL

NDOL's responsibilities regarding the ETPL are listed in Table 4.

Table 4. NDOL responsibilities

| Description |
|--|
| 1. Managing the ETPL |
| 2. Clarifying NDOL's and local boards' roles and responsibilities |
| 3. Establishing eligibility criteria, processes, and performance reporting requirements |
| 4. Establishing a method for adding Registered Apprenticeship and National Registered Apprenticeship programs to the ETPL |
| 5. Ensuring the development, maintenance, and dissemination of the ETPL |
| 6. Providing an opportunity for interested members of the public, including local boards, to make recommendations and submit comments regarding the information requirements, eligibility criteria and processes, and performance reporting requirements |
| 7. Verifying the status of Registered Apprenticeship and National Registered Apprenticeship programs once every 2 years |
| 8. Ensuring training providers and programs meet established eligibility criteria and adhere to the eligibility process and performance reporting requirements |
| 9. Receiving and reviewing applications and making eligibility determinations for training provider eligibility |
| 10. Removing programs from the ETPL that fail to meet established requirements |
| 11. Taking enforcement actions against training providers as defined in this policy |
| 12. Establishing the appeals process for denied or terminated eligibility |
| 13. Publication of state-level training provider performance reports |

(b) Local boards

The responsibilities of local boards regarding the ETPL are listed in Table 5.

Table 5. Responsibilities of local boards³⁷

| Description |
|---|
| 1. Carrying out procedures assigned by NDOL |
| 2. Working with NDOL to ensure sufficient numbers and types of training providers are serving local areas, including training providers with expertise in serving individuals with disabilities and adults in need of education and literacy activities |
| 3. Ensuring the dissemination and appropriate use of the ETPL through the one-stop delivery system |
| 4. Ensuring informed consumer choice, as described Section VIII(b)(1) |

³⁶ 20 CFR § 680.430(b)(1) – (5), 680.450, 680.460, 680.470, and 680.500(d)(1) – (4)

³⁷ 20 CFR §§ 680.340 and 680.430(c)

In addition to the responsibilities described in Table 5, local boards may take the actions described in Table 6 regarding training providers and programs.³⁸

Table 6. Permitted actions of local boards

| Description |
|--|
| 1. Making recommendations to NDOL on the process used in determining eligibility of training providers and programs |
| 2. Requiring supplemental (not alternative) criteria and information from local training providers as criteria to become or remain eligible in the local area |
| 3. Setting higher local levels of performance for training providers than those established by NDOL as criteria to become or remain eligible to provide training services the local area |
| 4. Supplementing the criteria and information requirements established by NDOL in order to support informed consumer choice and the achievement of local performance indicators, including: <ul style="list-style-type: none"> a. information on training programs that are linked to in-demand occupations in the local area; b. performance and cost information, including program performance and cost information, for the local outlet(s) of multi-site eligible training providers; c. information that shows how programs are responsive to local requirements; and d. other appropriate information related to the objectives of WIOA |

It's important to note that local boards *are not* permitted impose additional requirements and criteria upon Registered Apprenticeship and National Registered Apprenticeship programs beyond those established under WIOA, its implementing rules and regulations, and this policy.³⁹

(1) Consumer choice⁴⁰

Training services must be provided in a manner that maximizes informed consumer choice in a participant's selection of a training provider on the ETPL. The requirements for consumer choice are listed below.

1. The local board, through its one-stop centers, must make the ETPL available to one-stop customers.
2. An individual who has been determined eligible for training services may select a program from the ETPL only after consultation with a career planner.
3. Consultation with a career planner must include:⁴¹
 - a. either an interview, evaluation, or assessment and career planning informed by local labor market information and training provider performance information;
 - b. appraisal of the participant's need for training services based on an interview, evaluation, or assessment and career planning informed by local labor market

³⁸ 20 CFR §§ 680.430(d) – (e) and 680.510

³⁹ 20 CFR § 680.510(a)

⁴⁰ 20 CFR § 680.340

⁴¹ 20 CFR § 680.220

information and training provider performance information or any other career service received; and

- c. documenting the participant's need for training services in the participant's case file.
4. There is no requirement that career services be provided as a condition for receipt of training services. However, if career services are not provided before training, the career planner must document the circumstances that justify the decision to provide training services without first providing the services described in item 3 above.
5. Priority consideration must be given to programs that:
 - a. lead to recognized postsecondary credentials; and
 - b. align with in-demand occupations in the local area.
6. Unless the applicable Title I program has exhausted training funds for the program year, the career planner must refer the individual to the selected provider and establish an ITA for the individual to pay for training.
7. The costs for training services paid through an ITA to a training provider must be funded by out-of-school youth,⁴² adult, or dislocated worker program funds, depending on the program in which the participant is enrolled or co-enrolled.
8. The local board, through the one-stop center, may coordinate funding for ITAs with funding from other Federal, state, local, or private job training programs or sources to assist the individual in obtaining training services, subject to requirements for coordination of WIOA training funds under 20 CFR § 680.230.

DISCLAIMER

This policy is based on NDOL's reading of the applicable statutes, regulations, rules, and guidance released by the US Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued.

⁴² Refer to the State's youth program policy for information regarding ITAs and in-school youth.

APPENDIX I. Definitions

PURPOSE. Definitions in this appendix are provided as supplemental information that supports the provisions of the policy. The terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and not as stand-alone information independent of that context.

1. business partnership

For purposes of determining the eligibility of a program, *business partnership* means an informal or formal partnership with regional or local employers that relates directly to the program. Information to be provided by a training provider about the business partnership includes:

- a description of the quality and quantity of employer partnerships; and
- the role of that partnership in relation to the program.

2. enrolled

The meaning of the term *enrolled*, with regard to a program of study that is included on the ETPL, is determined by each training provider in accordance with its organizational standards.

3. linked to employment opportunities

The phrase *linked to employment opportunities* refers to the alignment of a program with a career pathway, which is determined using the Nebraska Career Education Model defined and provided by the Nebraska Department of Education.⁴³

4. recognized postsecondary credential⁴⁴

A *recognized postsecondary credential* is one of the following:⁴⁵

- industry-recognized certificate or certification;
- certificate of completion of an apprenticeship;
- license recognized by the Federal Government or State of Nebraska;
- associate degree; or
- baccalaureate degree.

⁴³ Information on the Nebraska Career Education Model is accessible at <https://www.education.ne.gov/nce/careerclustersresources.html>.

⁴⁴ Refer to the State's performance accountability for detailed information on recognized postsecondary credentials. The policy is accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/Policies>.

⁴⁵ WIOA Sec. 3(52)