

# Agreement for Wisconsin's Eligible Training Programs List

## I. Background

Pursuant to Title I, Subtitle B, of the Workforce Innovation and Opportunity Act (WIOA), the State Workforce Agency is required to maintain and make publicly available a list of training institutions and their programs for purposes of providing training services to WIOA participants. This list, referred to as the Eligible Training Programs List (ETPL), is published on the ETPL Website and is used by WIOA Participants to select programs of training that can be funded – in whole or part – with WIOA program funding. The Department of Workforce Development (DWD), as Wisconsin's State Workforce Agency, is responsible for overseeing and maintaining Wisconsin's ETPL, including establishing and enforcing eligibility requirements. Only training programs that meet DWD's Eligibility Requirements and comply with applicable WIOA authorities are published on the ETPL Website.

## II. Purpose

The purpose of this Agreement for Wisconsin's Eligible Training Programs List (hereinafter "ETPL Agreement") is to set forth those terms that the Officer, on behalf of the Institution, must acknowledge or agree to in order for the Institution to have its training program(s) published on the ETPL Website.

## III. Definitions

**Continued Eligibility** means DWD's annual renewal process for all training institutions and their training programs on the ETPL Website, as outlined in the ETPL Policies and Procedures. It occurs between July 1 and August 31, each year.

**Eligibility Requirements** means the requirements and criteria that are part of Initial Eligibility and Continued Eligibility under the ETPL Policies and Procedures.

**ETPL Agreement** means this document.

**ETPL Policies and Procedures** means the policies and procedures applicable to Wisconsin's ETPL program that are found at Chapter 7 of DWD's online WIOA Title I-A & I-B Policy & Procedure Manual (<https://dwd.wisconsin.gov/wioa/policy/>).

**ETPL Provider Portal** means the website used by training institutions to apply for and manage content on the ETPL Website.

**ETPL Provider Portal Approver** means an individual designated by the Officer to control ETPL Provider Portal Editor access for the Institution. An Approver grants and denies Editor access through the ETPL Provider Portal. An Approver can also add new programs, edit certain program information fields, and remove programs through the ETPL Provider Portal at any time, on behalf of the Institution.

**ETPL Provider Portal Editor** means an individual who can add new programs, edit certain program information fields, and remove programs at any time, on behalf of the Institution.

**ETPL Website** means the website used by WIOA Participants to select training programs that can qualify for WIOA Program funding.

**Initial Eligibility** means DWD's process for determining if training institutions and their training programs satisfy requirements to be published on the ETPL Website, as outlined in the ETPL Policies and Procedures.

**Institution** means the training institution named in this ETPL Agreement.

**Local Program** means a training program administered by an institution that is part of the Wisconsin Technical College System (WTCS) but is not recognized by the WTCS Central Office (i.e., the WTCS Central Office does not assign the program a unique identification number).

**Officer** means the individual who, acting on behalf of the Institution, is authorized to (1) sign the ETPL Agreement and (2) designate individuals who manage ETPL Provider Portal user access for the Institution.

**Program Year** means the period from July 1 to June 30.

**WIOA Local Program Operator** means a Local Workforce Development Board (WDB) or the WDB's Title I, Subtitle B, service provider(s).

**WIOA Participants** means individuals participating in one or more WIOA Title I, Subtitle B, programs.

### III. Acknowledgments

- (1) The policies and procedures applicable to Wisconsin's ETPL program are found at Chapter 7 of DWD's online WIOA Title I-A & I-B Policy & Procedure Manual (<https://dwd.wisconsin.gov/wioa/policy/>) (hereinafter "ETPL Policies and Procedures"). DWD may, at any time, make changes to the ETPL Policies and Procedures. If DWD makes changes, it will post the revised ETPL Policies and Procedures to its website with an updated publication date, but DWD may not provide any other notice to the Institution. It is the Institution's responsibility to periodically review the ETPL Policies and Procedures to keep informed about their status and any changes that DWD makes.
- (2) Signing of this ETPL Agreement by the Institution's Officer does not guarantee that the Institution's training program(s) will be published on the ETPL Website. All training institutions and their training programs must meet DWD's Eligibility Requirements found in the ETPL Policies and Procedures, comply with applicable WIOA authorities, and be approved by DWD before they will be published on the ETPL Website.
- (3) Certain types of training programs are ineligible for Wisconsin's ETPL, including but not limited to those that do not lead to a vocational objective, those that are considered on-the-job-training, those that are primarily focused on the provision of career services, and those that are offered free of charge. The ETPL Policies and Procedures contain more information on the ineligible program types.
- (4) The Officer can identify up to five ETPL Provider Portal Approvers. The Officer is responsible for notifying the Institution's Approvers of their designation. Only the Officer can make changes to the Institution's list of Approvers. Changes must be sent to [DETETPL@dwd.wisconsin.gov](mailto:DETETPL@dwd.wisconsin.gov). There are no limits on the number of ETPL Provider Portal Editors for the Institution.
- (5) DWD reserves the right to immediately suspend the Institution's training program(s) from the ETPL Website if it becomes aware of inappropriate content that is published on the ETPL Website or saved in the ETPL Provider Portal by one of the Institution's ETPL Provider Portal Approvers or Editors. DWD will notify the Institution should this occur and will determine appropriate steps on a case-by-case basis.
- (6) DWD must terminate the Institution's participation on the ETPL Website if it fails to meet DWD's Eligibility Requirements, fails to comply with applicable WIOA authorities, or DWD determines it intentionally

supplied DWD with inaccurate information or substantially violated any provision of Title I of WIOA or its implementing regulations. More information about eligibility denials and terminations can be found in the ETPL Policies and Procedures. If the Institution's eligibility for the ETPL Website is terminated because of a substantial violation, DWD will remove the Institution and all of its programs from the ETPL Website for a minimum of two years, and the Institution will be liable to repay all WIOA Title I, Subtitle B, training funds it received during the period of noncompliance. The Institution has the right to appeal a decision by DWD to deny or terminate eligibility on the ETPL Website. Pursuant to 20 CFR § 683.630 (b)(3), the highest level of appeal consists of a state-level administrative hearing.

- (7) Publication of the Institution's training program(s) on the ETPL Website is not a guarantee that the Institution will receive WIOA Title I, Subtitle B, funding. Training institutions with training programs published on the ETPL Website only receive WIOA funding if and when one or more WIOA Participants enroll in their training program(s) and the participant(s) is (are) approved for WIOA assistance towards the training. If one or more WIOA Participants enrolls in the Institution's training program(s) and is approved for WIOA training assistance, payment to the Institution is made by the WIOA Local Program Operator, not DWD.
- (8) DWD must report to the U.S. Department of Labor verifiable performance data for all students, including employment and wage data, for each training program on the ETPL Website. To accomplish this, DWD requires the Institution to supply individual-level information for all students who participated in the training program(s) for a specified period of time. These requirements are outlined in the ETPL Policies and Procedures. The individual-level student information is used to generate employment and wage outcomes using state unemployment insurance data. This may be accomplished using identity matching software or applications. The data input into the identity matching software or applications may be indirectly used by other programs for identity matching purposes, but those programs would not have direct access to the underlying individual-level student information. The Institution has no rights to the individual-level employment and wage outcomes generated by DWD. Only aggregated performance outcomes are reported to the U.S. Department of Labor.
- (9) DWD may require the Institution to provide students' social security numbers (SSNs) as part of the individual-level information for students who participated in the training program(s) in order to generate employment and wage outcomes using state unemployment insurance data. All requirements for reporting individual-level information for students are included in the ETPL Policies and Procedures.
- (10) DWD must make relevant program specific performance data publicly available on the ETPL Website. This includes completion rates, credential attainment rates, and verifiable employment and wage outcomes derived from state unemployment insurance data. DWD will publish the Institution's aggregated performance information for each of its programs on the ETPL Website. DWD uses data suppression rules when posting the aggregated performance information. The employment and wage outcomes published are limited based on DWD's ability to match the individual-level student information supplied by the Institution with available state unemployment insurance data. The Institution may elect to publish additional information that reflects aggregated performance data for its training program(s) (e.g., graduate follow-up survey results) on the ETPL Website. This option is available in the ETPL Provider Portal.
- (11) DWD reserves the right to make changes to information supplied in the institution and program applications to ensure the accuracy of the information reported to the U.S. Department of Labor and published on the ETPL Website; this includes changing the potential outcome assigned to a training program based on the U.S. Department of Labor's guidance on WIOA-recognized credentials.
- (12) DWD will retain information submitted in the ETPL Provider Portal for an adequate period to satisfy its record retention requirements. The information will be retained in a secure manner.

## IV. Terms and Conditions

- (1) The Institution must adhere to all ETPL Policies and Procedures and comply with applicable WIOA authorities.
- (2) The Institution must use the ETPL Provider Portal (<https://dwd.wisconsin.gov/ETPL>) to apply to have its training program(s) published on the ETPL Website and must provide all Institution-level and program-level information outlined in the ETPL Policies and Procedures.
- (3) The Institution must take appropriate steps to ensure the accuracy of information submitted in the ETPL Provider Portal, including regularly updating content for training programs published on the ETPL Website to reflect current information. Supplying false information may lead to termination from the ETPL Website.
- (4) The Institution must work cooperatively with DWD to help ensure that DWD can meet its federal performance reporting requirements. As part of Initial Eligibility for each training program, the Institution must supply individual-level information for all students who were enrolled in the training program for the three most recently completed Program Years. As part of Continued Eligibility for each training program, the Institution must supply individual-level information for all students who were enrolled in the training program for the most recently completed Program Year. If the program was recently established and the Institution therefore lacks individual-level information for all students for the required Program Year(s), the Institution must supply the information it has available for the Program Year(s).
- (5) If the Institution is part of the Wisconsin Technical College System (WTCS) and the program at issue is assigned a unique identification number, the Institution will not provide individual-level student information through the ETPL Provider Portal for that program. WTCS Central Office directly supplies DWD with the required performance data for all WTCS programs that it assigns a unique identification number. If the program at issue is a Local Program, the Institution must provide individual-level student information through the ETPL Provider Portal for that program.
- (6) The Institution must promptly notify DWD if it believes it no longer meets the Eligibility Requirements detailed in the ETPL Policies and Procedures. This includes, but is not limited to, loss of licensing or approval by a Wisconsin state agency or board or becoming federally debarred, suspended, or otherwise excluded from or ineligible for participation in federal programs or activities. Notification must be sent to [DETETPL@dwd.wisconsin.gov](mailto:DETETPL@dwd.wisconsin.gov) as soon as practicable.
- (7) If DWD determines that the Institution committed a substantial violation, as outlined in the ETPL Policies and Procedures, the Institution must reimburse to DWD or the WIOA Local Program Operator any WIOA funds that the Institution received during the period of noncompliance.
- (8) The Institution must identify at least one ETPL Provider Portal Approver in this ETPL Agreement.
- (9) If the Officer identified in this ETPL Agreement changes, the Institution must timely notify DWD. Notification must be sent to [DETETPL@dwd.wisconsin.gov](mailto:DETETPL@dwd.wisconsin.gov). DWD may attempt to authenticate the new Officer. If the Institution fails to notify DWD of the change in Officer, DWD must take appropriate steps to identify a new Officer when it becomes aware of the change. A change in the Institution's Officer does not terminate this ETPL Agreement.
- (10) DWD reserves the right to unilaterally amend the ETPL Agreement. DWD will notify the Institution of its intent to amend the Agreement a minimum of 30 calendar days before the amendment becomes effective. If the Institution objects to the amendment, it must notify DWD of its intent to terminate the ETPL Agreement no later than the effective date of the amendment.

- (11) DWD considers this ETPL Agreement to be in effect until it is terminated by DWD or the Institution, or until the Institution and its training programs are no longer published on the ETPL Website. The Institution may terminate this ETPL Agreement at any time by providing 30 days' notice to DWD. Notification must be sent to [DETETPL@dwd.wisconsin.gov](mailto:DETETPL@dwd.wisconsin.gov). DWD may terminate this ETPL Agreement in accordance with its ETPL Policies and Procedures.
- (12) If the ETPL Agreement is terminated for any reason, the Institution must still submit a file, in the format required by the Continued Eligibility procedures, that contains the individual-level information for all students who were enrolled in the training program for the most recently completed Program Year. The Institution must submit this during the Continued Eligibility period immediately following termination. None of the other requirements of the ETPL Policies and Procedures will apply to the Institution following termination.
- (13) This ETPL Agreement shall supersede and replace all prior agreements and understandings between DWD and the institution regarding the Institution's inclusion on the ETPL Website.
- (14) Each Institution must avoid organizational conflicts of interest, and their personnel must avoid personal conflicts of interest and the appearance of any conflict of interest in enrolling students in the Institution's training program(s) that are included on the ETPL Website.

## V. Approvers

The following individual(s) have been designated as Approvers:

[First Name & Last Name] [Job Title] [Email Address]

[First Name & Last Name] [Job Title] [Email Address]

[First Name & Last Name] [Job Title] [Email Address]

[First Name & Last Name] [Job Title] [Email Address]

[First Name & Last Name] [Job Title] [Email Address]

## VI. Signature

I, [Name of Officer], on behalf of [Name Institution], have reviewed, understand, and agree to the Acknowledgments and Terms and Conditions provided in this ETPL Agreement and certify that I have the legal authority to sign this ETPL Agreement on behalf of [Name of Institution].

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Signature