

WORKFORCE SOLUTIONS SOUTHEAST TEXAS BOARD POLICY LETTER

Directive:	25-19
Date:	July 18, 2025
Keywords:	All Programs; Veterans; WIOA; Administration
Effective:	Immediately

To: Workforce Solutions Southeast Texas — Centers Contractor, Training Providers

From: Melanie Williams, Executive Director *Melanie Williams*

Subject: Workforce Innovation and Opportunity Act, Eligible Training Provider Program, Eligibility Criteria, and Performance Expectations—Update

PURPOSE:

To provide Workforce Solutions Southeast Texas Board Administrative staff (Board), Centers Contractor (Contractor) and Training Providers (Providers) updated guidance on the Eligible Training Provider (ETP) program, as governed by the Workforce Innovation and Opportunity Act (WIOA), specifically pertaining to the eligibility criteria for providers. Guidance on minimum performance standards for initial and continued eligibility of training programs and the complaints and appeals process regarding denial or termination of a training provider's eligibility for the statewide Eligible Training Provider List (ETPL) is included.

This letter provides updated guidance on:

- Removal of Training Providers
- Removal of Training Programs
- Insufficient Performance
- Program Criteria

REFERENCES:

- 📌 Texas Workforce Commission (TWC) Workforce Development (WD) Letter 05-19, Change 2, issued September 16, 2024, and entitled "Workforce Innovation and Opportunity Act, Eligible Training Provider Program, Eligibility Criteria, and Performance Expectations - Update"
- 📌 WIOA §122, Identification of Eligible Training Providers of Training Services
- 📌 United States Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) No. 03-18, issued August 31, 2018, and titled "Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA)"
- 📌 DOL TEGL No. 41-14, Change 1, issued November 24, 2015, and titled "Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) Title I Training Provider Eligibility Transition"

- 🚩 Title 40, Texas Administrative Code (TAC), Chapter 802 Integrity of the Texas Workforce System
- 🚩 40 TAC Chapter 823 Integrated Complaints, Hearings, and Appeals
- 🚩 40 TAC Chapter 840 WIOA Eligible Training Providers
- 🚩 TWC WD Letter 10-07, issued February 2, 2007, and titled “Adoption of Local Workforce Development Board Policies in Open Meetings”
- 🚩 TWC WD Letter 14-24, issued September 16, 2024, and titled “Training Provider Complaint Procedures”
- 🚩 TWC WD Letter 12-19, Change 2, October 25, 2021, and entitled “Funding Training Programs outside of Local Workforce Development Areas through Individual Training Accounts—Update”
- 🚩 Title 20, Code of Federal Regulations (CFR), §680. 450, issued July 1, 2015, and titled “What is the process for determining initial eligibility?” — specifically subsection (d), which states that “Registered Apprenticeship programs are automatically eligible to be included on the list of eligible training providers.”

BACKGROUND:

WIOA requires TWC to establish the eligibility criteria, information requirements, and procedures regarding the eligibility of training providers to receive WIOA funds.

- On May 9, 2017, TWC’s three-member Commission (Commission) approved the eligibility criteria and performance requirements for initial and continued eligibility.
- On November 26, 2018, the Commission approved removing from the criteria the minimum performance standards for determining the initial and continued eligibility of training programs.
- On December 15, 2020, the Commission adopted the new Title 40, Texas Administrative Code, Part 20, Chapter 840, relating to WIOA ETPs.
- On August 13, 2024, the Commission approved minimum performance standards for determining the initial and continued eligibility of training programs.

The Board is committed to providing quality service to our employers, businesses, and customers. The Board will continue to meet with the college workforce directors and career schools to review specific training needs, as well as to ensure the curriculum meets the skills needs and demands of our area employers.

POLICY/PROCEDURES:

To ensure consistent application of Workforce Innovation and Opportunity Act (WIOA) regulations across Workforce Solutions Southeast Texas Board area, the following policies and procedures establish clear guidelines for training provider eligibility, program performance expectations, and responsibilities of the Board, contractor, and provider. These procedures reflect both federal and state mandates—including DOL guidance, TWC, and local workforce board requirements — and are intended to support quality assurance, transparency, and accountability in the approval, oversight, and removal of programs listed on the ETPL. All parties must be familiar with and adhere to these procedures to ensure that WIOA-funded training services are delivered effectively, meet labor market needs, and uphold customer choice and informed decision-making.

Important Note: The Board, contractor and training provider must inform appropriate staff that because Registered Apprenticeship Programs (RAPs) undergo a detailed application and vetting process to become RAP sponsors with the DOL, they are not subject to the same application and performance requirements as other providers. TWC will automatically add to the statewide ETPL RAPs that:

- are registered with DOL’s Office of Apprenticeship Training; and
- notify TWC of the desire to be included on the statewide ETPL.

Eligibility Criteria for Training Providers

The Board and contractor must inform:

- appropriate staff that criteria for determining the initial and continued eligibility of providers include minimum performance standards.
- Training providers that they must meet the following evaluation criteria for initial and continued eligibility.

A training provider must be:

- A provider of training programs in Texas that is either –
 - an institution of higher education providing a program leading to a recognized postsecondary credential;
 - an entity providing RAP training; or
 - a public or private training provider, which may include community-based organizations, joint labor-management organizations, and providers of Adult Education and Literacy (AEL) activities under WIOA Title II, if AEL educational services are provided concurrently or in combination with occupational skills training, on-the-job training, incumbent worker training, and other training cited under 20 CFR §680.350; and
- appropriately licensed in accordance with 40 TAC §840.10, exempt from such licensure.

Proprietary schools must be licensed or exempted by TWC's Career Schools and Colleges (CSC) department in order to be eligible for the statewide ETPL. The Board may use the CSC Directory to confirm CSC licensure or request evidence of such licensure or exemption directly from the training provider.

Except for RAPs, a training program must align with one or more occupations included on the statewide target occupations list (TOL). As the Board periodically updates its TOL, programs may be removed from the list if they no longer train for an occupation on the Board or Statewide TOL.

Note: Training providers must be aware of the following information, as required by TWC in WD Letter 12-19, Change 2:

- Approval of a training program does not guarantee that funding will be provided for any student.
- Boards (or their designated WIOA contractor) not training providers, including approved ETPs — determine an individual's eligibility for WIOA, including the need for training; and
- WIOA training funds are not available unless an Individual Training Account (ITA) is approved and fully completed, including all required signatures.

A training provider must:

- demonstrate that it offers its training programs in partnership with businesses by providing:
 - a letter of support from an employer in Texas; or
 - evidence of the existence of an employer-based advisory committee.
- submit the required program and student information requested by TWC, as specified in the ETP Reporting Requirements.

Program performance must meet or exceed TWC-required standards shown in the tables below.

For Initial and Continuing Eligibility:

	2025 ETP Reporting Period	2026 ETP Reporting Period	2027 ETP Reporting Period
Performance Standards for All Former Students			
Employed Quarter 2 Post Exit*	70%	70%	70%
Employed Quarter 4 Post Exit*	70%	70%	70%
Median Earnings Quarter 2 Post Exit**	\$7,800	\$7,800	\$7,800
Credential Rate	50%	55%	60%
Completion Rate	60%	60%	60%

* Students reported without a valid Social Security Number (SSN) will be included as “not employed.”

** Students reported without a valid SSN are excluded from this measure.

The Board and contractor must inform training providers that WIOA requires them to submit program information to the state, including information for calculating a program’s performance outcomes. TWC uses the information from training providers to:

- determine initial and continued eligibility for the statewide ETPL;
- submit its mandatory ETP performance report to DOL; and
- publish aggregate ETP program data for public consumption at:
<https://www.twc.texas.gov/agency/workforce-development-boards/eligible-training-providers>.

As stated in 20 CFR §680.430(e)(2), the Board may set additional criteria for performance and may require higher levels of performance than those required by TWC with respect to local training providers becoming or remaining eligible to offer WIOA-funded training services through ITAs in the local workforce development area (LWDA). These additional and/or higher standards do not affect eligibility for the statewide ETPL. If the Board elects to set local Board performance standards, they must notify TWC by email etp.helpdesk@twc.texas.gov.

The Board must document and report to TWC possible violations of WIOA requirements and of state or local laws and withdraw approval of a provider or take other appropriate action for a provider that intentionally committed other WIOA violations.

The Board and Contractor:

- must ensure that information on training providers that offer applicable training in their LWDA is made available to all customers, including WIOA participants, so that customers can make informed choices about training programs.
- must ensure appropriate staff members are aware of and comply with the complaints and appeals procedures provided in WD Letter 14-24, issued September 16, 2024, and titled “Training Provider Complaint Procedures.” (Board’s internal Policy Directive 25-05)

To qualify as a Provider on the ETPL for Workforce Solutions Southeast Texas Board Area, Providers must comply with WIOA regulations. Providers must ensure all school staff are aware of the necessity of providing quality training and meet minimum performance standards for the approved training to be added and remain on the ETPL.

ETPs are required to submit performance information to the ETP Department of TWC in Austin as directed in the application and must meet the established performance minimums to be certified. New program offerings, a program/course never delivered to any student, regardless of funding source, on or before the date of Initial Eligibility Application submission, and RAP are the only exceptions to this requirement.

Programs receiving initial eligibility are subject to review and renewal after one (1) year.

All RAPs that are registered with DOL, Office of Apprenticeship, or a recognized State apprenticeship agency, are automatically eligible to be included in the State list of eligible training providers and programs. All RAP must be informed of their automatic eligibility to be included on the list and must be provided an opportunity to consent to their inclusion, before being placed on the State list of eligible training providers and programs.

Additional Requirements for New Training Providers

- Providers that are applying for the first time to the ETPL, must meet with the Board and the contractor to discuss eligibility requirements and continued eligibility requirements for training programs including performance expectations.
- An initial site visit of the training provider's facility where training will take place will be completed by the Board prior to enrollment of WIOA customers.
- The training provider must supply the Board a method of tracking student(s) attendance and provide this information to the Board upon request.
- New training providers will be reviewed by the board after one (1) year for continued eligibility at the board level.

Continued Eligibility for Programs Under WIOA

All programs are subject to review and renewal of their eligibility at least every two (2) years. For continued eligibility the Board will also consider Indicators for Performance, listed above, as well as reporting on the entered employment wages of the individual level to verify the wages of the exiters meet or exceed the established performance minimums to continue eligibility.

Once Training Programs have one (1) year of Indicators of Performance outcomes, they will be expected to provide information regarding:

- access to training services, including rural areas and through the use of technology;
- information reported to state agencies on federal and state training programs, other than programs within WIOA, including Workforce partner programs;
- the degree to which training programs relate to targeted industry sectors and occupations;
- state licensure requirements and licensing status of Providers;
- the provider's ability to offer industry-recognized certificates and/or credentials;
- the ability of providers to offer programs which lead to post-secondary credentials;
- the quality of the program of training services, including a program leading to a recognized post-secondary credential;
- the ability of the Providers to provide training services physically and programmatically accessible to individuals who are employed, and individuals with barriers to employment, including individuals with disabilities;
- the timeliness and accuracy of ETP's performance reports; and
- additional factors to ensure accountability of providers. Examples of additional factors include the:
 - ability of a provider to partner with employers to provide job placement services;
 - dropout rate of the Training Provider; and
 - student loan default rate of the providers.

Required Provider Information

All eligible Providers must submit accurate and timely performance data and cost information at the time

of initial application, and annually following initial eligibility determination. The program- specific performance information submitted must include the following:

- Indicators of Performance, including program completion percentage, entered employment percentage, and entered employment hourly wage rate;
- information identifying any industry recognized post-secondary credentials received by WIOA participants;
- program cost information, including tuition and fees, for WIOA participants in the program; and
- information on the program completion rate for WIOA participants.

Evaluations of Providers and programs will be completed at least every two (2) years and will be conducted by the Board. The results of the evaluation and any recommendation to remove a training provider program from the ETPL will be brought to the Planning, Evaluation, and Oversight Committee (PEO) meeting.

Removal/Suspension from the ETPL

A Provider and/or its program may be denied inclusion in or removed from the ETPL for the following reasons:

1. The Provider failed to achieve at least minimum performance measures (see chart on page 4) for the designated time period;
2. The initial and/or renewal application was not completed, was not completed by the established due date, or was missing required information;
3. Performance data were not submitted or were not submitted by established due date;
4. The Provider intentionally supplied inaccurate information about its programs, school name, school location, credentials, or program outcomes;
5. The Provider substantially violated a requirement under WIOA, state law, local law, or policy;
6. The Provider loses its regulatory approval or its accreditation from its accrediting body.

If the Board denies a training provider or training program for inclusion on the ETPL or removes a Provider or training program from the ETPL, the Board's ETPL Coordinator will inform the Provider in writing within thirty (30) days of the application and include the reason(s) for the denial, as well as provide information on the determination appeal process.

The Board and Contractor must ensure that, in general, if a Provider is removed from the ETPL, enrolled students can remain in the training program until they complete their training or exit the program. Providers removed for substantial violations of WIOA requirements may be required to return funds provided for training in affected programs during the term of such violation.

Repayment Of WIOA Funds

A Provider whose eligibility is terminated because of intentionally supplying inaccurate information or has substantially violated the WIOA rules and regulations shall be liable for repayment of all WIOA funds received for the program during any period of noncompliance. The Board will make reasonable efforts to collect funds based on established policies and procedures.

Adverse Determination

Providers may file appeals with the Board regarding the denial of a provider's application for initial or continued eligibility listing on the ETPL or for the removal of a program(s) already listed on the ETPL.

All appeals must be submitted in writing within fourteen (14) calendar days from the date of the rejection notice or notice of suspension of eligibility. The request for an appeal hearing must include:

- A statement of the desire to appeal;
- The name, address, and telephone number of the Provider;

- A description of the adverse action; and
- Detailed explanation of the reasons claimed that the denial or removal was erroneous.

Such appeals must be addressed to: Workforce Solutions Southeast Texas Board Office
P.O. Box 3607
Beaumont, TX 77704
ATTN: Kevin King

The written appeal will be processed under the appropriate section of WIOA. Every effort will be made to conduct informal resolutions and other alternative dispute resolution avenues. If no final informal resolution is reached, the Board shall provide an opportunity for a hearing to resolve an appeal. Either a final agreement resulting from informal resolution or a hearing and Board decision will be issued within sixty (60) calendar days of the original filing of the appeal. The training provider may file appeal to TWC within 14-calendar days of this decision.

Registered Apprenticeship Programs (RAP)

In accordance with WIOA §122(a)(3) and 20 CFR §680.450, RAPs are automatically eligible for inclusion on the statewide ETPL and are not subject to the same initial and continued eligibility or performance reporting requirements as other Providers. However, if the Board identifies or receives credible documentation that a RAP has committed a substantial violation of WIOA requirements, state or local law, or applicable policy—such as fraud, abuse, or discrimination, the Board will notify TWC for further investigation and potential action. While TWC reviews the matter, the Board may suspend WIOA-funded referrals to the program in question until a determination is made. The Board will document all such findings and communicate with TWC through the designated channels.

Contractor Responsibilities

The Contractor

- will recruit and certify those individuals who are eligible for training.
- will assess each eligible applicant for career aptitudes, interests, abilities, academic skills, etc. to assist in determining appropriate training assignment as deemed appropriate.

The Provider may refer applicants interested in its training to the Contractor for determination of eligibility and, if appropriate, referral and assignment to training.

When the Contractor meets with the eligible customer, they will be informed on all available Providers that offer the program they are interested in and customer choice will determine the final decision when it comes to which Provider they will be referred to.

The Contractor will:

- only refer participants to the Provider who, in the Contractor's judgement (along with the participant), possess the aptitudes, interest, and abilities required to successfully complete training and attain unsubsidized employment in the occupation trained for, or in a training-related occupation. The referral will be done using an ITA.
- refer customers ONLY to approved courses of studies on the Board's ETPL. This information can be found via: <https://www.twc.texas.gov/agency/workforce-development-boards/eligible-training-providers>
- coordinate procedures with the Provider to share information on financial resources for participants as outlined in the Coordination of Department of Education (DOE), Pell Grants, and other Funding Sources.

Note: No Local Flexibility (NLF): This rating indicates that Board, Contractor and/or Provider must comply with the federal and state laws, rules, policies, and required procedures set forth in this Directive and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

RESCISSIONS:

The information included in this Directive supersedes and rescinds Directive 23-02, Change 2 issued October 1, 2024, and entitled, “Criteria for Approval, Withdrawal and Denial of WIOA Eligible Training Provider Applications-update.”

ACTIONS REQUIRED:

The Board, Contractor and Providers must ensure that appropriate staff is apprised of and complies with the information of this Policy Directive. The Board must ensure that a copy of this policy directive is shared via email with all training providers that provide training to WIOA participants in Southeast area.

Non-Discrimination and Equal Opportunity

- Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and § 2000e-16, as amended;
- The Rehabilitation Act of 1973 §§ 503, 504, and 508, 29 U.S.C. §§ 793, 794, and 794d, as amended;
- Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, as amended;
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., as amended;
- The Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., as amended;
- Texas Government Code, Chapter 469, Elimination of Architectural Barriers and 16 TAC, Chapter 68, Administrative Rules of the Texas Department of Licensing and Regulation;
- WIOA § 188; 29 U.S.C. § 3248;
- 29 C.F.R, Part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA; and
- Other federal and State required accessibility and non-discrimination requirements.

INQUIRIES:

Please direct all comments to this policy to Kevin King via email: kevin.king@setworks.org