Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual

Policy Number:	#5-04-01
Originating Office:	Workforce Services
Subject:	Kansas Eligible Training Provider List and Workforce Pell
Issued:	May 6, 2020
Revised:	May 1, 2024; June 2, 2026
Programs:	Workforce Innovation and Opportunity Act (WIOA) Title I and Workforce Pell as Authorized by the One Big Beautiful Bill Act (OBBBA)
Purpose:	To transmit policy and procedure for the statewide Eligible Training Provider (ETP) List under WIOA, and to transmit policy and procedure for approval of Workforce Pell programs under the (OBBBA).
Reference:	Section 122 of the Workforce Innovation and Opportunity Act; Section 116(d)(4) of the Workforce Innovation and Opportunity Act; K.S.A 74-32, 167; 20 CFR 680.400; 20 CFR 680.500; TEGL 3-18; TEGL 8-19; State Guidance Letter 17-01. Section 83002 of Public Law 119-21 (OBBBA) and Kansas Law HB 2485
Background:	The workforce development system emphasizes informed customer choice, system performance and continuous improvement. The eligible provider process is part of the strategy for achieving these goals. This document establishes policies and procedures, which shall be used to identify training provider programs whose performance qualifies them to receive Workforce Innovation and Opportunity Act (WIOA) Title I funds to train adults, dislocated workers, and out-of-school youth (OSY) aged 16-24. Federal statutes and regulations pertaining to the establishment of a statewide Eligible Training Provider (ETP) List may be found under Sec. 122 of the Workforce Innovation and Opportunity Act. Section 83002 of the One Big Beautiful Bill Act authorizes federal funding to eligible students for eligible training programs under Workforce Pell grants.
Action:	Distribute this policy to all interested parties.
Contact:	Questions should be directed to email: workforcesvcs@ks.gov

POLICY STATEMENT

The Kansas Department of Commerce (Commerce) is the state agency responsible for carrying out the determinations, enforcement actions, and other duties related to the establishment and maintenance of the state's Eligible Training Provider List (ETPL). Commerce is also responsible for completing the ETA-9171 report as required by the Department of Labor. Commerce is also responsible for coordinating the State Workforce Board review and consideration of education programs eligible for Workforce Pell. The Board recommends appropriate programs to the Governor for approval.

To maximize customer choice and assure all significant population groups are served, the eligible training provider process shall be administered in a manner to assure significant numbers of competent providers offering a wide variety of training programs and occupational choices are available to customers. The Workforce Pell approval process, carried out in cooperation with the Kansas Board of Regents and the State Workforce Board, will be carried out in a manner to ensure short-term training programs resulting in high-demand, high-wage employment are selected and catalogued.

Inclusion on the Kansas ETPL

Application for inclusion on the Kansas ETPL is open to providers of training services (1) at a physical location within the State of Kansas, or (2) by virtual learning conveyance.

K.S.A 74-32, 167 establishes that no institution shall establish a physical presence within Kansas without obtaining a certificate of approval from the state board of regents (Kansas Board of Regents), and no institution shall confer or award any degree, certificate or diploma, whether academic or honorary, unless such institution has been approved for such purpose by the state board of regents.

Providers of training services delivered at a physical location within the state of Kansas through classroom contact, or providers who offer virtual training/distance education and who are physically located with the state of Kansas for the purpose or preparing persons for a field of endeavor in a business, trade, technical or industrial occupation, or which offers a course or courses leading to an academic degree, must obtain and maintain a Certificate of Approval from the Kansas Board of Regents prior to approval as a WIOA-approved Eligible Training Provider.

Providers of training services delivered at a physical location in neighboring (border) communities that are accessible within a normal and reasonable commuting distance, and providers of training services who offer virtual training and/or distance education and who are not located within the state of Kansas must be on the Eligible Training Provider list in their respective state as an approved WIOA-provider, before being approved as a WIOA training provider in the state of Kansas.

All new providers of training desiring to be a WIOA Eligible Training Provider must have applied for initial eligibility and been approved for inclusion on the State ETP list before WIOA costs are incurred. New providers are encouraged to apply at least 60 days in advance of initial program offerings. **Initial** eligibility expires on the end of each full federal year (June 30) after

initial eligibility has been approved.

Exception: short term training which meets a defined set of employability skills criteria established by a local workforce development board in consultation with local business to meet the specific needs of a defined employer or industry (e.g. customized training or industry sector partnerships) are subject to Local Approved Training policies and are exempt from this policy.

Required Reporting

All WIOA-approved Eligible Training Providers must submit, annually and no later than August 31 of each year, the **All Students** performance data for each WIOA-approved program, which includes:

1. Number Served – the total number of students enrolled in the program during the reporting period.
2. Number Exited – the total number of students who completed, withdrew, or transferred from the program during the reporting period.
3. Number Completed – the total number of students who successfully completed the program during the program year (did not withdraw or transfer).
4. Numerator Employed in 2nd Quarter After Exit – the total number of all student exiters who were employed in unsubsidized employment in the 2nd quarter after their exit quarter.
5. Denominator for Employed in 2nd Quarter After Exit – the total number of all student exiters who were in their 2nd quarter after exit during the reporting period.
6. Numerator Employed in 4th Quarter After Exit - the total number of all student exiters who were employed in unsubsidized employment in the 4th quarter after their exit quarter.
7. Denominator for Employed 4th Quarter After Exit - the total number of all student exiters who were in their 4th quarter after exit during the reporting period.
8. Numerator Who Attained Credential – the total number of student exiters who completed their program of study and attained a credential associated with the program of study within one year after exit from the program.
9. Denominator Who Attained Credential – the total number of students who exited during the report period.
10. Median Earnings in 2nd Quarter After Exit – the quarterly earnings that is at the midpoint between the highest and lowest quarterly earnings in the 2nd quarter after exit.
11. Average Earnings 2nd Quarter After Exit – the average total earnings for the 2nd quarter after exit.
12. Average Earnings 4th Quarter After Exit – the average total earnings for the 4th quarter after exit.

This information must be submitted in KANSASWORKS.com through each providers' Eligible Training Provider account. Each WIOA-approved program has a performance tab where the information must be submitted. The information should be submitted for the previous academic year ending on June 30th and must be submitted by August 31st of that same year. During the review for continued eligibility, programs will be removed if:

- providers have not provided the minimum required All Student performance data for each

program
- providers list "0" for all the required All Student performance data of each program
- no WIOA students have taking the training program for the past 2 years

Programs that are seeking initial eligibility do not have to provide All Student data, as many times these are new programs and performance data is not available. Having successfully completed initial eligibility, continued eligibility is reviewed annually.

Eligible Training Providers will provide the All-Student performance data for the required ETA-9171 report, and Commerce will provide the WIOA participant performance data every year for the required ETA-9171 report which is sent to the Department of Labor. The WIOA participant performance data will include:

1. WIOA Number Served (Participated);
2. WIOA Number Exited;
3. WIOA Number Completed;
4. WIOA Numerator Employed in 2nd Quarter After Exit
5. WIOA Denominator for Employed in 2nd Quarter After Exit
6. WIOA Numerator Employed in 4th Quarter After Exit
7. WIOA Denominator for Employed in 4th Quarter After Exit
8. WIOA Numerator Who Attained Credential
9. WIOA Denominator Who Attained Credential
10. WIOA Median Earnings in 2nd Quarter After Exit
11. WIOA Average Earnings in 2nd Quarter After Exit
12. WIOA Average Earnings in 4th Quarter After Exit

Apprenticeship Programs

All registered apprenticeship programs that are registered with the U.S. Department of Labor, Office of Apprenticeship, or a recognized State apprenticeship agency, are automatically eligible to be included on the Eligible Training Provider List (ETPL).

All registered apprenticeship programs will be informed of their automatic eligibility to be included on the ETPL and will be provided an opportunity to consent to their inclusion, before being placed on the ETPL.

For a list of RA Program sponsors that can be Eligible Training Providers, see State Guidance Letter 17-01.

The process for registered apprenticeship program sponsors in the State to be informed of their automatic eligibility and to indicate that the program sponsor wishes to be included on the State ETPL is outlined under Process and Procedures in this policy.

Local Workforce Investment Board

Local workforce development boards may establish reasonable criteria and information requirements in addition to the criteria and information requirements established by the State Workforce Board for the purpose of determining the eligibility of programs in their

respective local area.

Local boards may require a higher level of performance for local programs than the levels established by the State Workforce Board for continued eligibility of providers.

Should local boards require additional verifiable information, the board shall specify additional content, or an alternative manner of reporting for providers:

1. Access to cost-effective methods for collection and reporting of the information must be provided.
2. Procedures by which providers can demonstrate the collection/reporting of additional information/processes imposes extraordinary costs on the provider must be established in local policy.

Continued Eligibility and Minimum Levels of Performance

In establishing continued eligibility criteria, the Kansas Department of Commerce has taken into account the following factors:

- The performance of the eligible training provider's program
- Ensuring access to training services throughout the State, including in rural areas, and through the use of technology;
- Information reported to State agencies on Federal and State training programs other than programs within WIOA title I, subtitle B;
- The degree to which programs of training services relate to in-demand industry sectors and occupations in the State;
- State licensure requirements of training providers;
- Encouraging the use of industry-recognized certificates and credentials;
- The ability of providers to offer programs of training services that lead to postsecondary credentials;
- The quality of the program of training services including a program that leads to a recognized postsecondary credential;
- The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment;
- Whether the providers timely and accurately submitted all of the information required for completion of eligible training provider performance reports required under WIOA sec. 116(d)(4) and all of the information required for initial and continued eligibility.

The factors that Commerce has determined are appropriate to ensure the accountability of providers, and that one-stop centers in the State will meet the needs of local employers and participants; and, that participants will be given an informed choice among providers are as follows:

For continued eligibility, the minimum levels of performance will be:

- All Student Number Completed Successfully (not withdrew or transfer) 60%
- All Student Who Attained Credential Rate 60%
- WIOA Student Number Completed 60%

- WIOA Student Who Attained Credential Rate 60%

- WIOA Student Employment Rate 2nd Quarter After Exit 60%

Programs that do not meet these minimum levels of performance show that students in these programs are ultimately not completing programs, attaining credentials and getting employed at high levels and will ultimately hurt WIOA performance outcomes for local areas and the State. Local areas will consult with the State before removal of any program based on low performance. Other factors will be considered before removing programs from the ETPL such as cohort size and the other required reporting elements.

There are no minimum levels of performance for the other required reporting elements.

PROCESS AND PROCEDURES

User Accounts

To create a training provider account new users must go to the following link:

https://www.kansasworks.com/trainer/fein_searches/new

New users will be asked to enter a Federal Employer Identification Number (FEIN). If no matching FEIN is in the system, the new users can add new training provider information. If there is a matching FEIN, new users should click on the existing training provider to in order to correctly link their new user account.

New user accounts will be reviewed by State staff to ensure that all necessary information has been completed, then new user accounts will be approved.

Kansas Board of Regents Approval

Application for inclusion on the Kansas ETPL is open to providers of training services (1) at a physical location within the State of Kansas, or (2) by virtual learning conveyance.

K.S.A 74-32, 167 establishes that no institution shall establish a physical presence within Kansas without obtaining a certificate of approval from the state board, and no institution shall confer or award any degree, certificate or diploma, whether academic or honorary, unless such institution has been approved for such purpose by the state board.

Providers of training services delivered at a physical location within the state of Kansas through classroom contact, or providers who offer virtual training/distance education and who are physically located with the state of Kansas for the purpose or preparing persons for a field of endeavor in a business, trade, technical or industrial occupation, or which offers a course or courses leading to an academic degree, must obtain and maintain a Certificate of Approval from the Kansas Board of Regents prior to approval as a WIOA-approved Eligible Training Provider .

Providers of training services delivered at a physical location in neighboring (border)

communities that are accessible within a normal and reasonable commuting distance, and providers of training services who offer virtual training and/or distance education and who are not located within the state of Kansas must be on the Eligible Training Provider List in their respective state as an approved WIOA-provider, before being approved as a WIOA training provider in the state of Kansas.

All training providers must provide proof of KBOR approval OR WIOA-approval as an Eligible Training Provider in their home State. If provider cannot provide proof of either, the application will be denied.

KBOR contact information can be found here:
https://www.kansasregents.org/about/contact

Training Provider Accounts

All new providers seeking Initial Eligibility must submit provider applications by creating a new training provider account on KANSASWORKS.com, and the State staff will review the provider application for approval. Once approved, the provider can list training program information for the respective local area to review. New providers are encouraged to apply at least 60 days in advance of initial program offerings.

Providers will be asked to provide the following information:

- Provider name
- Provider description
- Provider address (including county)
- Provider local area (if within the State)
- Provider email address
- Provider website address
- Provider Federal Employer Identification Number (FEIN)
- Primary contact information
- Type of training institution
- If reasonable accommodations are available up request for people with disabilities
- If in partnership with any businesses
- If training is provided to employed individuals
- If training is provided to individuals with barriers to employment

Providers can upload documents such as KBOR approval or proof of WIOA-approved eligibility on another state's ETPL.

Providers will be asked to specify provider type, and information related to training services that lead to a recognized postsecondary credential; providers must submit credential information to demonstrate high quality programs of training services.

Providers will be asked about debarment status.

Providers will be asked to submit accreditation and approval information.

Provider will then be required to describe each program of training services to be offered and include O*NET code information in order to show relative demand occupations for each training program.

State staff will review training provider applications and approve or deny training provider eligibility based on the information submitted.

Training Programs

Once training providers are approved as eligible, they can submit individual programs for review and approval.

Program applications may be submitted anytime for initial eligibility. Training program applications will include:

- Program name
- Program synopsis
- Method of delivery
- Prerequisite information
- Total hour and total weeks
- Training location – address and county
- Program length
- Type of credential
- Name of credential
- Type of financial aid offered
- Refund policy
- Program costs detailed out in categories
- If program has certified curriculum
- Occupations this training will lead to, including O*NET code

Initial Eligibility

All new training program applications will be reviewed and approved by local area staff first, then by approved by State staff. Initial eligibility expires at the end of each full federal year (June 30) after initial eligibility has been approved. Program performance is not required for initial eligibility as often these programs are new, and no performance information exists.

Registered Apprenticeship Programs

In order to place minimal burden on registered apprenticeship program sponsors Commerce has developed the following process for Registered Apprenticeship (RA) Programs to be included on the ETPL.

1. RA staff will notify every new Registered Apprentice Program (RAP) of their eligibility to be included on the ETPL.
2. If a RAP decides to be included in on the ETPL, RA staff will notify the State Policy Manager who will create a training provider account on KANSASWORKS.com for the RAP using the information already provided to RA staff on the 671 Form.

Once on the ETPL, RAP's will remain on the list until:

- They are deregistered;
- The RAP notifies RA staff that is no longer wants to be on the ETPL;
- The RAP is determined to have intentionally supplied inaccurate information or to have substantially violated a provision of Title I of WIOA or WIOA regulations.

The State Apprenticeship Director shall authorize removal of any apprenticeship program that falls into one of the scenarios above by notifying the State Policy Manager.

If a RAP is determined to have intentionally supplied inaccurate information or to have substantially violated a provision of Title I of WIOA or WIOA regulations, their eligibility is terminated for a period of not less than 2 years and is liable to repay all youth, adult, and dislocated worker training funds it received during the period of noncompliance. The State Apprenticeship Director will be responsible for making these determinations. If a RAP disagrees with the determination, the RAP can appeal the decision following the same process outlined below under Appeals.

Continued Eligibility

All training programs are subject to the continued eligibility process effective the beginning of the first full federal fiscal year following approval of their Application for Initial Eligibility and biennially thereafter.

The State will annually review All Student data and WIOA-student data on each approved provider program to assess the renewal of training provider eligibility. As noted above, the procedures do establish minimum levels of training provider performance as criteria for continued eligibility which are:

- All Student Number Completed Successfully (not withdrew or transfer) 60%
- All Student Who Attained Credential Rate 60%
- WIOA Student Number Completed 60%
- WIOA Student Who Attained Credential Rate 60%
- WIOA Student Employment Rate 2nd Quarter After Exit 60%

It is imperative that training providers report the required All Student data list above. Commerce understands that all elements of the required All Student data will not be available at the time the performance reports are due each year. Providers at a minimum need to report the following elements:

- Number Served (Participated)
- Number Exited
- Number Completed
- Numerator Who Attained Credential
- Denominator Who Attained Credential

Programs that fail to report these elements will be considered in substantial violation of the requirement and the programs will be removed from the ETPL. Providers must report all the required program performance data as soon as it becomes available. If programs report performance below 60% for any of the items listed above, the program will be removed from the ETPL.

Maintenance and Dissemination

The ETPL is maintained by Commerce at KANSASWORKS.com, available on-line and at one-stops statewide.

Local areas must ensure the list and information are widely available through the one-stop delivery system to:

- customers seeking information;
- participants in all employment and training programs;
- adults, dislocated workers, and OSY determined eligible for WIOA Title IB training; and
- customers whose training is supported by other one-stop partners.

Removal and Denial

Removal of a provider or program from the ETPL does not affect active adult, dislocated worker, and OSY participants. An eligible training provider may lose eligibility and may be removed from the list under the following circumstances:

- Local boards who demonstrate provider performance jeopardizes the local area's overall ability to meet minimum WIOA negotiated performance levels may recommend removal at any time. The local board must demonstrate results of corrective action efforts to improve performance by the provider and give the provider notice and cause of any such action.

- If a provider is determined to have intentionally supplied inaccurate information for any program, including performance information, the provider and all programs will be removed from the list for a period not less than two years. A provider removed under these circumstances is liable for repayment of all adult, dislocated worker and OSY training funds received during the period of non-compliance. Providers removed under these circumstances may reapply only after consulting with the local board and Commerce on modifications, changes, and/or remedies implemented to address the violation.

Any program or provider denied continued eligibility by Commerce, is removed from the ETPL.

Providers may re-apply six months following the removal (except for providers who have intentionally supplied inaccurate information for any program) by submitting another provider or program application.

Providers who have been denied due to lack of certification from KBOR, or not being on their respective state's ETPL may re-apply once KBOR certification is attained or they have become approved on their respective state's ETPL.

Appeals

The training provider has ten (10) business days from the date of an electronic denial notice to file an appeal to the Kansas Department of Commerce. The request for appeal must clearly indicate the training provider wants to appeal the denial and identify the provider and training program(s) being denied. The request for appeal must be submitted in writing, signed, and must include a factual basis for the appeal.

Commerce will review the request for appeal and based upon the review, may reverse their original decision if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued. This initial process is an "administrative reconsideration" and must be completed within ten (10) working days of receipt of the request for appeal.

If the local board reverses a prior decision, the local board will forward a copy of the appeal to Commerce with a request to place the training program on the state ETPL. The local board will notify the training provider in writing they have reversed their original decision and forwarded the request to Commerce.

If Commerce reverses a prior decision, Commerce will notify both the local board and the training provider of the reversal and will follow appropriate procedures to place the training provider on the state ETPL.

If, after the review process, the original denial is not reversed, the appeal must be forwarded to Commerce's Chief Counsel who in turn will appoint a Designated Hearing Officer to preside over the appeal within five (5) working days of the decision to deny.

Kansas Department of Commerce
Chief Counsel, Legal Division
1000 SW Jackson, Suite 100
Topeka, Kansas 66612

The Designated Hearing Officer will conduct a hearing at which time the training provider and party denying the training request (local board/Commerce) will be allowed to present its case. The Designated Hearing Officer will issue an independent decision based on the information gathered at the hearing. A written decision will be issued within ten (10) working days following the hearing to both the party denying the training request (local board/Commerce) and the training provider.

If the Designated Hearing Officer does not reverse the denial, the decision is final. If the Designated Hearing Officer reverses the denial, the party denying the training request (local board/Commerce) will comply with the decision within ten (10) working days of receipt of written decision from the Designated Hearing Officer.

Workforce Pell

Pursuant to section 83002 of Public Law 119-21 (OBBBA) and Kansas Law HB 2485, the Governor in consultation with the State Workforce Development Board shall approve workforce training programs for Federal Workforce Pell grants if such programs meet the eligibility requirements.

The State Workforce Development Board develops the following process for postsecondary educational institutions and programs to apply for approval for eligibility for Workforce Pell grants:

- At regularly scheduled State Workforce Development board meetings, a representative from the Kansas Board of Regents will present training programs that meet the eligibility criteria under section 83002 of Public Law 119-21 for Federal Workforce Pell grants.
- The State Workforce Board will discuss the programs presented to determine:
    - programs are aligned with the requirements of high-skill, high-wage or in-demand industry sectors;
    - programs meet the hiring requirements of potential employers;
    - programs lead to a recognized postsecondary credential that is stackable;
    - programs prepare students for occupations in which there is only one recognized postsecondary credential;
    - programs prepare students to pursue 1 or more certificate or degree programs at 1 or more institution of higher education;
    - students will receive academic credit for Workforce Pell programs;
- The State Workforce Board will then make a recommendation to the Governor on the approval of such programs as presented by the Kansas Board of Regents.
- Upon the approval by the Governor, a list of approved Workforce Pell programs will be maintained on the website for the **KANSAS**WORKS State Board until functionality allows for the list to be maintained on**KANSAS**WORKS.com.

Workforce Pell Appeal Process

A Participating Institution whose Short-term Program's eligibility is denied or terminated will have 15 calendar days from the date of that determination to submit an appeal in writing to the **KANSAS**WORKS State Board. The Participating Institution must specify the reasons they believe the denial is not justified, including evidence and documentation pertaining to the program that support the appeal.

Following receipt of the appeal, an Appeals Review Panel will be appointed by the Chair of the **KANSAS**WORKS State Board. The Appeals Review Panel will provide its recommendation to

the **KANSAS**WORKS State Board and a final decision will be issued by the chair of the **KANSAS**WORKS State Board within 30 calendar days of receipt of the appeal.

The **KANSAS**WORKS State Board and the Appeals Review Panel will only review the information submitted by the Participating Institution in writing when making the final decision. The Participating Institution should ensure all necessary information is included with its appeal.

All appeals must be forwarded, via email, to the following address:

workforcesvcs@ks.gov

The **KANSAS**WORKS State Board does not have the ability to issue exceptions to the law, regulations, or this CPS governing the Workforce Pell Grant Program, and such appeals will not be accepted.