

Policy and Procedure

Policy Name: TRAINING PROVIDER
CERTIFICATION

Policy Number: 03-112. Rev. 1

Effective Date: April 4, 2003

Revised: Feb. 3, 2006

Purpose

The purpose of this policy and procedure is to

- describe eligibility criteria applied by the WDB to initial certification of training providers;
- establish a subsequent process for annual training provider review and recertification; and
- describe the appeals process available to providers refused certification.

Reference

- VEC Policy 00-7

Policy

Discussion

The WDB will certify training providers on an annual basis and enter the information into the Virginia Training Provider Network. Certification is good through June 30 of the Program Year in which it becomes effective.

To receive WIA training funds, a training provider must apply for certification of each program that leads to a certificate, degree, license, or for each course that leads to skill attainment. This is a two-stage process.

For initial certification, the applicant must demonstrate that the training program meets the eligibility criteria listed herein. The applicant also must submit required information for the consumer reports system on the Virginia Training Provider Network.

For recertification for the second and consecutive subsequent years, the applicant must demonstrate that it provides effective, relevant, quality training by providing performance, customer satisfaction and outcomes data collected during the prior year of certification. That data must meet WDB established guidelines (see Appendix A).

Training programs that do not receive initial certification or recertification may appeal that decision, following the process outlined below. Appeals for reconsideration must be submitted to the Board staff at least 10 days in advance of the next scheduled board of directors meeting following notification. Should fewer than 10 days remain prior to the next board meeting, the appeal will be considered at the next subsequent meeting in which the 10-day notice requirement can be met. If the issue is not resolved satisfactorily, the WDB will submit the application to the Virginia WIA Division for reconsideration.

Procedure

Solicitation and Application Process

1. Potential workforce training providers will be recruited on an ongoing basis. Application for certification may be made at any time. Board staff will provide to any interested applicant, by

mail or electronically necessary, information and materials, including official application and program details.

2. Applicants must complete Part I of the application concerning the organization. For **each** certificate or degree program under consideration, the applicant also must complete Part II for certification and Parts II and III for recertification. Parts II and III also must be completed for each stand-alone course leading to a competency or skill recognized by employers; or a training regimen that provides individuals with additional skills or competencies but not listed as part of an approved program.
3. To receive recertification, training providers must annually account for any changes in cost, course work or other information pertinent to the program.
4. Providers must collect performance, customer service and outcomes data which must be submitted with applications for recertification. Such data must meet WDB established guidelines (see Attachment A). Data not meeting the guidelines will require documentation to support why a program should be recertified.

Initial Training Provider Certification Eligibility Criteria

To receive certification in Virginia LWIA III, a training provider

- I.** Must be:
 - A. A post-secondary educational institution approved to operate in Virginia, whose programs are approved by an accrediting agency recognized by the Federal Department of Education as being eligible under Title IV of the Higher Education Act;
 - OR**
 - B. An entity that provides programs registered under the National Apprenticeship Act.
 - OR**
 - C. Offer a training program which leads to industry-recognized certification as meeting the standards necessary for approval or accreditation by that industry. (e.g., Microsoft Certified Engineer, CISCO Certification, ASE for auto mechanics, etc.) and be approved to operate in Virginia under applicable provisions of the Code of Virginia.
 - OR**
 - D. Offer a credit or non-credit customized training program provided by a Virginia community college, public school system or other local public vocational technical school, in partnership with area employers for their emerging and incumbent worker needs. (Training programs with active employer advisory boards would qualify under this criterion.)
 - OR**
 - E. Can demonstrate to WDB that the program for which it is seeking certification is germane to local workforce development needs and provides quality training.
- II.** Provide training for industries, occupations and/or skills as identified in the WDB's most recent local occupational demand plan;
 - OR**
 - document sufficient demand which such training will meet.
 - AND**
- III.** Applicants also must provide
 - A written nondiscrimination policy
 - AND**
 - Documentation that it is ADA compliant.

On-the-job training or customized training as defined in WIA Section 101, does not meet the qualifications for training provider certification.

Pre-vocational skill training – such as the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills and professional conduct – and stand-alone literacy/basic skills education are to be treated as intensive services under WIA and not necessarily included in the certification process for training providers [Section 134, (d) (3) (C) (vi)].

Appeals Process

Should certification be denied, the applicant will be notified in writing. The applicant shall have thirty (30) calendar days from the date the denial notification was mailed to file a request for reconsideration to the WDB. The appeal request must be submitted in writing and signed. At a minimum, the appeal must identify the training program and location(s) denied and must clearly state the reasoning for the appeal.

Within thirty (30) calendar days of receipt of the request for reconsideration, the LWIB shall review the request and issue a written decision that either upholds or reverses the original decision. Instances for a reversal may include, but shall not be limited to, an administrative error or instances in which additional information submitted by the training provider changes the basis on which the original decision was issued.

A. Reversal by WDB

1. If the WDB reverses the prior decision, the WDB shall enter the training provider into the Virginia Training Provider Network (VTPN) system. The WDB shall also notify the training provider in writing that they have reversed their original decision and that the list inclusion request has been submitted to the VEC through the VTPN.
2. If the WDB fails to act during the 30-day time period described above, the initial decision shall automatically be reversed.

B. WDB Appeal Denial

1. Procedure before the Administrative Law Division

If the WDB affirms its original decision, the provider shall have the option of filing an appeal of the WDB decision with the VEC Administrative Law Division. Such a filing must be made within ten (10) days of the date of mailing of the WDB's determination. The VEC Chief Administrative Law Judge or his designee shall conduct a hearing at which the training provider and LWIB will be allowed to present their cases, based on the issues presented in the original appeal to the LWIB. The VEC shall provide notification that an appeal has been filed and shall also issue a hearing notice at least ten (10) calendar days before the hearing providing information on the hearing's date and time. All hearings shall be held at the VEC's Administrative Office in Richmond, VA. A hearing may be held telephonically if agreed to by all interested parties.

The Chief Administrative Law Judge or his designee will issue an independent decision that sets out the relevant facts of the case, and decides the issue or issues appealed. A written decision will be issued to the training provider and other interested parties. If the Chief Administrative Law Judge or his designee reverses the decision of the LWIB, the LWIB shall comply with the decision in a prompt and efficient manner. The procedures outlined in the preceding Policy 00-7 for certifying training programs, inclusion of the training program on the statewide list, and written notification to the training provider shall be followed.

The Administrative Law Division's decision will be final.

2. Burden of Proof

- a. In cases involving the denial of an initial certification or re-certification, the burden shall be upon the training provider to prove, by a preponderance of the evidence, that the certification should have been granted.
- b. In cases involving decertification of a training provider for intentionally supplying inaccurate information or for substantially violating any requirement under the Workforce Investment Act, the burden shall be upon the LWIB to prove, by a preponderance of the evidence, that the decision to decertify was appropriate.

Board Approval Date

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