



State Policy

Workforce Innovation and Opportunity Act (WIOA)

Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 th Street Lincoln, NE 68508 402.471.2022 ndol.wioa_policy@nebraska.gov	<table border="1"> <tr> <td data-bbox="808 464 1218 531">Policy category</td> <td data-bbox="1218 464 1432 531">Training</td> </tr> <tr> <td data-bbox="808 531 1218 590">Effective date</td> <td data-bbox="1218 531 1432 590">February 21, 2018</td> </tr> <tr> <td data-bbox="808 590 1218 728">Supersedes</td> <td data-bbox="1218 590 1432 728">Eligible Training Provider Program (effective date May 23, 2017) Interim Policy on Individual Training Accounts (Rev. 08/26/2016)</td> </tr> </table>	Policy category	Training	Effective date	February 21, 2018	Supersedes	Eligible Training Provider Program (effective date May 23, 2017) Interim Policy on Individual Training Accounts (Rev. 08/26/2016)
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Eligible Training Providers

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 Eligible Training Provider Program policy (effective date May 23, 2017) and Interim Policy on Individual Training Accounts (Rev. 08/26/2016). 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://networks.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 with regard to any supplemental criteria, information, and performance requirements the local board may establish regarding a training provider's local eligibility (refer to [Section VII\(b\)](#));
- 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 VII\(b\)](#));
- ensure the dissemination and appropriate use of the ETPL through the local one-stop delivery system (refer to [Section VII\(b\)](#)); and
- ensure that local area staff are knowledgeable of the requirements of this policy, including the consumer choice requirements described in [Section VII\(b\)\(1\)](#).

CHANGES

This policy establishes the following material changes to the superseded Eligible Training Provider Program policy.

- To be considered for eligibility, a program must be linked to employment opportunities in one or more in-demand occupations in Nebraska.
- Programs associated with self-employment are now eligible for inclusion on the ETPL.
- With the implementation of the online application process in NEworks, manual scoring of applications to determine training provider and program eligibility is no longer necessary. Eligibility is determined based on the eligibility criteria described in [Sections I\(a\) – \(c\)](#) and the information the training provider provides in the online application.
- Descriptions of the application and review processes in [Sections II\(a\) – \(b\)](#) have been revised for clarity.
- The requirement that training providers meet or exceed minimum program performance standards in order maintain eligibility has been rescinded; however, a training provider's submitted performance reports may be considered (refer to [Section I\(c\)](#)).
- The requirement that each training provider submit program performance data on a quarterly basis has been revised. Training providers are now required to submit program performance reports on an annual basis (refer to [Section IV\(a\)](#)).
- Provisions in [Section VI](#) regarding participants enrolled in ineligible programs have been revised for clarity.
- Provisions regarding consumer choice requirements have been added as [Section VII\(b\)\(1\)](#).

POLICY

This policy is organized into seven 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. A training provider <u>must</u> provide information about its organization and for its primary representative. ⁴
2. A training provider <u>must</u> be 1 of the following: ⁵ a. Registered Apprenticeship program; b. postsecondary education institution; or c. other public or private provider of training, such as a: i. community-based organization; ii. joint labor-management organization; or iii. provider of WIOA adult education and literacy activities (Title II activities), provided the activities occur in combination with work-based training.
3. A training provider <u>must</u> have been in operation at least 12 months at the time of application.
4. A training provider <u>must</u> be authorized by accrediting or governing authority to provide training services in Nebraska or to Nebraska residents. ⁶
5. A training provider <u>must</u> provide information on its participation (or non-participation) in the Federal Pell Grant Program.
6. A training provider <u>must</u> provide written assurances ⁷ that it: a. complies with the requirements of: ⁸

⁴ 20 CFR § 680.430(a)

⁵ 20 CFR § 680.410(d)

⁶ 20 CFR § 680.460(f)(5)

⁷ The written assurances form is provided by NDOL.

⁸ 20 CFR § 683.285

Criteria
<ul style="list-style-type: none"> i. 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; and ii. the Americans with Disabilities Act, as amended; <ul style="list-style-type: none"> b. will submit program performance reports as required under Section IV(a); and c. will 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 IV(a)(2).
7. A training provider <u>must not</u> be debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities. ⁹

(b) Program eligibility

Two requirements must be met for a program to be considered for eligibility.

The training provider must provide the program information described in Table 2; and the program must meet the criteria described in Table 3.

Table 2. Program information requirements¹⁰

Criteria
1. The training provider <u>must</u> submit a complete program application in NEworks, including information on: <ul style="list-style-type: none"> a. its business partnerships relating to the program; b. how the program is linked to employment opportunities in in-demand occupations in Nebraska (<i>i.e.</i>, provide at least 1 Standard Occupational Classification (SOC) code relating to the program); c. programs costs; d. location(s) where the program is offered; and e. occupational skills participants will acquire through participation in the program.
2. The training provider <u>must</u> provide program performance reports as described in Section IV(a) .

Table 3. Program eligibility requirements¹¹

Criteria
1. A program <u>must</u> 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; b. industry-recognized certificate or certification; c. license recognized by the Federal government, State of Nebraska, another state with which Nebraska has a reciprocal agreement; d. postsecondary diploma; e. associate or baccalaureate degree; f. secondary-school diploma (or its equivalent) earned in conjunction with: <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

⁹ 20 CFR § 683.250(a)(4)

¹⁰ 20 CFR §§ 680.450(e) and 680.490

¹¹ 20 CFR § 680.420

Criteria
h. measurable skills gains toward: i. employment; or ii. any of the credentials described above.
2. A program <u>must</u> be linked to employment opportunities in 1 or more in-demand occupations in Nebraska. ¹²

IMPORTANT. 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.

(c) Additional eligibility criteria

In addition to the criteria described in Tables 1, 2, and 3, NDOL may consider the criteria described in Table 4 when determining training provider and program eligibility.

Table 4. 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 IB (youth, adult, and dislocated worker programs)
4. Encouraging the use of industry-recognized certificates and credentials
5. The quality of the program and ability of the training provider to offer programs leading to postsecondary credentials
6. The ability of the training provider to provide the program to employed individuals and individuals with barriers to employment
7. Whether the training provider submits program performance reports as required under Section IV(a)
8. Other factors NDOL may determine are appropriate

(d) Registered Apprenticeship programs

Registered Apprenticeship programs are automatically eligible for inclusion on the ETPL.¹⁴ On an annual basis, NDOL notifies Nebraska sponsors of Registered Apprenticeship programs by email of their programs' automatic eligibility for inclusion on the ETPL. If interested, the sponsor must provide basic sponsor and program information to NDOL by email at

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)

¹⁴ 20 CFR § 680.470(a)

ndol.wioa_policy@nebraska.gov.¹⁵ Once included on the ETPL, a Registered Apprenticeship program is maintained on the list:¹⁶

- 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 the program be removed from the list; or
- unless the sponsor's or program's eligibility is denied or terminated for the reasons described in [Section III\(a\)](#).

For each Registered Apprenticeship program on the ETPL, NDOL verifies the program's registration status at least once every two (2) years with the Nebraska State Office of Apprenticeship.¹⁷ Programs that are no longer registered will be removed from the ETPL and notified in writing of the removal.

Sponsors of Registered Apprenticeship programs are not subject to the performance reporting requirements described in this policy.

(e) Excluded training services

The following training services funded with WIOA Title IB program funds (youth, adult, and dislocated worker) are excluded from inclusion on the ETPL:¹⁸

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

¹⁵ The one-page information form is accessible at <https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/ETP>.

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

¹⁷ 20 CFR § 680.460(j)

¹⁸ 20 CFR § 680.530(a)

Section II. Eligibility process

(a) Application submission

To be considered for inclusion on the ETPL, a training provider must complete the following three steps.

1. set up a training provider account in NEworks;
2. provide written assurances¹⁹ that it:
 - a. complies with the requirements of:
 - i. 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;²⁰ and
 - ii. the Americans with Disabilities Act, as amended;²¹
 - b. will submit program performance reports as required under [Section IV\(a\)](#); and
 - c. will retain documentation verifying the accuracy of its submitted program performance reports and provide access to the documentation as required under 2 CFR § 200.333 and described under [Section IV\(a\)\(2\)](#);
3. complete and submit an online application for the training program in NEworks.

Applications may be submitted at any time. Review of incomplete applications is delayed until all required information is provided.

(b) Application review

Applications are reviewed by NDOL based on the criteria described in [Sections I\(a\) - \(c\)](#). NDOL issues a notice of determination by email to the training provider no later than the sixty-first calendar day after the date of submission of a complete application and written assurances as described in [Section II\(a\)](#).

(c) Initial eligibility

If determined eligible, new programs receive initial eligibility. Initial eligibility is limited to a period of one year.²²

¹⁹ The written assurances form is provided by NDOL.

²⁰ 20 CFR § 683.285

²¹ 29 CFR § 38.3(c)

²² 20 CFR § 680.450(g)

(d) Continued eligibility²³

Before initial eligibility ends and in order to remain on the ETPL, the training provider must apply for and establish continued eligibility as a training provider and for the program. Continued eligibility is limited to a period of two years. If a training provider fails to establish continued eligibility before the period of initial eligibility ends, the training provider may still apply for eligibility. If determined eligible, the provider and program will receive initial eligibility.

Section III. Denial or termination of eligibility

(a) Denial or termination by NDOL

NDOL is solely responsible for making determinations on the denial or termination of a provider's or program's eligibility for inclusion on the ETPL and will do so based on:²⁴

- 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 program by email of denial or termination of eligibility and provide the reason(s) for termination.

(1) Reasons for denial or termination

1. NDOL must deny or terminate the eligibility of any training provider and/or program that fails to meet the eligibility criteria described in [Sections 1\(a\) - \(b\)](#).²⁵
2. NDOL must deny or terminate the eligibility of any training provider or sponsor of a Registered Apprenticeship program for a period of not less than two years and require repayment of all WIOA Title IB programs funds received by the provider or sponsor during the period of noncompliance, when it is determined that the training provider or sponsor:²⁶
 - a. intentionally supplied inaccurate information, or an individual supplying information on behalf of the training provider or sponsor supplies inaccurate information;

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

²⁴ 20 CFR §§ 680.470(c) and 680.480

²⁵ 20 CFR § 680.480(c)

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

- b. substantially violated any requirement under WIOA, including the requirement to:²⁷
 - i. adhere to the nondiscrimination requirements of WIOA Sec. 188 and 29 CFR Part 38;
 - ii. adhere to the requirements of the Americans with Disabilities Act, as amended;
 - iii. submit a program performance report as required under [Section IV\(a\)](#); or
 - iv. retain or provide access to documentation as required under [Section IV\(a\)\(2\)](#).
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.

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.²⁸

(2) Appeal Process

Training providers and sponsors of Registered Apprenticeship programs may appeal a denial or termination of eligibility, including denial or termination of local eligibility by a local board.²⁹ 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 thirty 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.

²⁷ 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(1)(2)].

²⁸ WIOA Sec. 122(f)(2)

²⁹ 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.

IMPORTANT. A decision issued under this appeal process may not be appealed to the Secretary of Labor.³⁰

(b) Denial or termination by local boards³¹

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 III\(a\)](#).

Section IV. Program performance reports³²

(a) Training provider reports

Each approved training provider must submit program performance reports on an annual basis to NDOL for each of its approved programs using the data template provided by NDOL. Data must be submitted no later than August 1st 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, 2018, the training provider submits a program performance report for each of its approved programs for the reporting period beginning July 1, 2017 and ending June 30, 2018.

Reports must be based on data for all students who are enrolled in and all students who completed the program during the reporting period.

(1) 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.

³⁰ 20 CFR § 683.630(b)(3)

³¹ 20 CFR § 680.480(e)

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

(2) 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 (3) 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.

(b) NDOL reports

NDOL is required to annually publish performance reports regarding training services provided during the preceding program year.³⁴ The reports are based, in part, on program performance reports submitted by training providers.³⁵

Section V. Individual training accounts

Training providers on the ETPL, or the ETPL of a state with which Nebraska has a reciprocal agreement, are the only entities eligible to receive funding through ITAs.³⁶ Use of ITA funds for training services with all other training providers is strictly prohibited.

IMPORTANT. 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.

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

³⁴ A *program year* begins on July 1 and ends on June 30 of the following calendar year.

³⁵ 20 CFR § 677.230(a). The US Departments of Education and Labor (the Departments) provide the template for reporting on training provider performance. As of the effective date of this policy, the template is not yet available. NDOL will publish the required report following further guidance from the Departments.

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

Section VI. Participants enrolled in ineligible programs

(a) WIA programs

For any program participant who was enrolled as of April 1, 2016 in a program that *was approved* under the Workforce Investment Act of 1998 (WIA) *but not approved* prior to July 1, 2016 for continued eligibility under WIOA, the participant is permitted to complete the program, as long as the:

- training provider is authorized to provide training services in Nebraska, or to Nebraska residents, by an accrediting or governing authority;³⁷ and
- participant was determined eligible for WIA training services prior to the participant's date of initial enrollment in the training provider's program.

(b) Terminated programs

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

- is not permitted to 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 in transitioning to that program.

(c) Withdrawn programs

If a WIOA participant is enrolled in a program that has been voluntarily withdrawn from the ETPL by a 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 in transitioning to that program.

Section VII. Roles and responsibilities³⁸

(a) NDOL

NDOL's responsibilities regarding the ETPL are listed in Table 5.

³⁷ Local area representatives may request assistance from NDOL regarding a training provider's authorization by submitting an email to ndol.wioa_policy@nebraska.gov.

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

Table 5. 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 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 programs at least once every 2 years
8. Ensuring training providers 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 6.

Table 6. Responsibilities of local boards³⁹

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 VII(b)(1)

In addition to the responsibilities described in Table 6, local boards may take the actions described in Table 7 regarding training providers and programs.⁴⁰

Table 7. 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 (<u>not</u> alternative) criteria and information from <u>local</u> training providers as criteria to become or remain eligible in the <u>local area</u>
3. Setting higher <u>local</u> 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;

³⁹ 20 CFR §§ 680.340 and 680.430(c)

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

Description
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

IMPORTANT. The local board must not impose additional requirements and criteria upon Registered Apprenticeship programs beyond those established under WIOA, its implementing rules and regulations, and this policy.⁴¹

(1) Consumer choice⁴²

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

1. The local board, through the one-stop center, must make the ETPL available to customers.
2. An individual who has been determined eligible for training services may select a program from the ETPL after consultation with a career planner.
3. Consultation with a career planner must include:⁴³
 - 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 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 justified 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. are aligned with in-demand occupations in the local area.

⁴¹ 20 CFR § 680.510(a)

⁴² 20 CFR § 680.340

⁴³ 20 CFR § 680.220

6. Unless the 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,⁴⁴ 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.

⁴⁴ Refer to the State's youth program policy for information regarding ITAs and 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.⁴⁵

4. recognized postsecondary credential

A *recognized postsecondary credential* is one of the following:⁴⁶

- 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.

⁴⁵ Information on the Nebraska Career Education Model is accessible at <https://www.education.ne.gov/nce/careerclustersresources.html>.

⁴⁶ WIOA Sec. 3(52)