

MEMORANDUM

TO: Prospective Training Providers

SUBJECT: Individual Training Account (ITA) Program

Application Number ITA Regional Program #1 (APP # ITA RP #1)

Workforce Innovation and Opportunity Act (WIOA) Training Program Application Package as of 7/1/2021, WIOA Initial Program Eligibility

I. PURPOSE

The purpose of this document is to outline a process for interested training providers to propose specific occupational skills training programs for possible inclusion on the Hampton Roads Workforce Council's (HRWC) Approved Individual Training Account (ITA) Training Programs List as approved by the HRWC Board of Directors. Approved programs will be eligible to receive **Vouchers** for eligible customers to receive training from the Virginia Career Works – Hampton Roads Region System, otherwise referred to herein as the “One-Stop System.” For the purpose of this Application Package, a program of training services is defined as one (1) or more courses or classes, or a structured regimen that leads to the award of a recognized postsecondary credential based on measurable skill gains, as defined under Section VII. (K). **Note:** Training Programs, regardless of the occupational area, that are designed to result in a Bachelor's Degree or above will not be considered, unless the proposed program is for a Bachelor's Degree in Registered Nursing.

HRWC is **only** interested in occupational skills training programs directly related to occupations in the Healthcare; Information Technology; Transportation, Distribution and Logistics; Construction Trades; Manufacturing; Education; Business; and, Tourism and Hospitality Industry Sectors. Training in areas not listed above such as Cosmetology and Barbering can be provided through the use of On-the-Job Training (OJT) Contracts, either in support of a Registered Apprenticeship Program or as a “stand – alone” training option, based on employer demand and in accordance with the HRWC OJT Policy. In addition, training services may be provided by HRWC through Customized Training (CT) Contracts and Incumbent Worker Training (IWT) Contracts, based on employer demand and in accordance with the HRWC's CT and IWT Policies. OJT, CT and IWT training options are not covered under this ITA Application Package. Information regarding such training options can be provided by contacting William Coley, HRWC Operations Officer, at either 757-314-2370 or bcoley@vcwhamptonroads.org.

Programs approved by the HRWC Board of Directors under this Application Package will also be included on the Virginia Eligible Training Providers List (ETPL).

This application package is issued in order to establish **initial eligibility** for inclusion on the Virginia and HRWC's Approved Training Programs Lists, in accordance with Virginia Board of Workforce Development (VBWD) Policy #404-01 and Virginia Workforce Letter (VWL) #16-06, Change #1. These documents can be found at: <https://viriniacareerworks.com/practitioners-corner/>. In addition, the ITA Program is conducted in accordance with HRWC ITA Policy, which can be provided upon request. Continued Eligibility for approved programs to remain on the aforementioned lists will be based on the demonstration of satisfactory performance and continued labor market demand.

II. HAMPTON ROADS WORKFORCE COUNCIL

The Hampton Roads Workforce Council (HRWC) is a regional workforce development organization representing the communities of Chesapeake, Franklin, Gloucester County, Hampton, Isle of Wight, James City County, Newport News, Norfolk, Poquoson, Portsmouth, Southampton County, Suffolk and Virginia Beach, Williamsburg, York County. As the operating arm of the HRWC Board of Directors, the mission of HRWC is to support the development of a workforce that is second to none and can readily compete in a global economy. The HRWC is issuing and administering this ITA Program Application Package on behalf of the HRWC Board of Directors.

III. TYPES OF ELIGIBLE TRAINING PROVIDERS

- A.** Post-secondary Educational Institutions.
- B.** Registered Apprenticeship Programs recognized by the Commonwealth of Virginia Department of Labor and Industry.
- C.** Providers of Adult Education and Literacy activities under Title II of WIOA, if these activities are provided in combination with Occupational Skills Training.
- D.** Providers of a Program of Occupational Skills Training services that under Section 23-276.2 of the Code of Virginia that are exempt from certification as a post-secondary school, such as a professional or occupational training program regulated by another state or federal government agency **other than** the State Council of Higher Education for Virginia (SCHEV), or any school, institute, or course of instruction offered by any Trade Association or Nonprofit Affiliation of a Trade Association on subjects related to the trade, business, or profession represented by such association. (A list of exemptions is shown on Attachment E.)
- E.** Other Public and Private Providers of Occupational Skills Training that are authorized to operate as a school for the proposed training program(s) by a cognizant entity of the Commonwealth of Virginia.

Providers under Categories A., C. and E. must provide evidence of active certification by the appropriate state agency to operate or must have program approval from an applicable state agency in order to be considered for approval under this Application Package. (A list of certifying agencies is shown on Attachment D.)

Providers under Category B. will be granted approval under this Application Package following confirmation by the Virginia Department of Labor and Industry that the sponsoring employer and apprenticeship related instruction have been recognized by the Commonwealth, are active and in good standing. Additional information and specific submission requirements related to Registered Apprenticeship Programs is contained in Virginia Board of Workforce Development Policy #404-02 which can be found at <https://viriniacareerworks.com/practitioners-corner/>. Registered Apprenticeship Program questions may be addressed to William Coley, HRWC Workforce Services Officer, at either 757-314-2370 or bcoley@vcwhamptonroads.org.

NOTE: Applicants must be able to fully deliver a proposed program(s) at the time of their Application Package submission. Applicants that are in the planning process of a proposed program(s) will not be considered under this Application Package.

IV. APPLICATION PREPARATION AND SUBMISSION REQUIREMENTS

A. General Requirements

Applicants must submit one (1) original and one (1) copy of the completed application package and all required attachments to the HRWC office, located at the address listed below:

**Hampton Roads Workforce Council
Dominion Tower, Suite 1314
999 Waterside Drive
Norfolk, VA 23510**

Attention: William Coley, Operations Officer

Application packages may be submitted by current and/or new training providers at any time and will be periodically reviewed and moved forward in the ITA application package Review and approval process, based on a timeframe determined by HRWC. Note: Current training providers may propose new training programs under this application package and need not reapply for currently approved programs. **E-mail or faxed application packages will not be accepted.**

Application packages must be signed and dated by an authorized representative of the Applicant organization and must include all required attachments. Applications that are substantially lacking key information or are incomplete, as determined by HRWC, may not be considered.

B. Occupational Demand Information

Proposed training programs must be for occupational areas that are currently in demand in the Hampton Roads Region. Applicants are encouraged to provide Labor Market Information to support the demand for each proposed program(s). This may take the form

of statistical data from a qualified source or a survey of at least twenty (20) industry related local employers.

C. Performance Information Submission for Initial Eligibility

VWL #16-06, Change #1 asks that interested training providers submit performance information for all program participants with regard to the four (4) metrics stipulated under Section A. on page 4 of that VWL. These metrics are as follows:

1. The percentage of program participants who are in unsubsidized employment during the 2nd quarter after exit from the program.
2. The percentage of program participants who are in unsubsidized employment during the 4th quarter after exit from the program.
3. The median earnings of program participants who are in unsubsidized employment during the 2nd quarter after exit from the program.
4. The percentage of program participants who obtain a recognized post-secondary credential or a secondary school diploma or its recognized equivalent during program participation or within one (1) year after exit from the program.

VWL #16-06, Change #1 can be found at <https://viriniacareerworks.com/practitioners-corner/>.

If this performance information is currently maintained, submit it for each proposed program as an addendum to the application package.

If the aforementioned performance information is not available, please indicate such at the bottom of the Training Provider Application Form (Attachment A) for each proposed program, as a Note.

HRWC will work with those training providers that are approved for initial Eligibility in order to develop a plan for the tracking and reporting of that information.

NOTE: The inability to provide the aforementioned information under this application package will not be cause for the denial of a proposed program(s).

V. TRAINING FUNDS AND ITA PROGRAM DURATION

The current maximum amount of Workforce Innovation and Opportunity Act (WIOA) funds available for authorized combined ITA training tuition and training related costs for WIOA training service customers is up to \$5,000, in total, for up to two (2) consecutive years of training in an approved program. WIOA eligible Out of School Youth may also be served by programs approved under this Application Package, as determined by HRWC. Training funds must be leveraged to the fullest extent possible with other forms of federal Financial Aid, such as Pell Grants, etc. for those customers who have access to such and meet the qualification requirements. Tuition payments may not exceed the authorized rates for In-State Residents, where applicable.

The maximum duration for any HRWC ITA training program is limited to up to two (2) consecutive years (twenty-four (24) consecutive months), unless otherwise authorized by HRWC. It is expected that a customer be able to fully complete the program requirements and qualify for the related credential, diploma, license or certificate within the required duration for their specific ITA training program, not to exceed the aforementioned overall program duration. Planned breaks in training for any reason that is not health related are not authorized.

VI. INCREMENTAL PAYMENTS

HRWC will make incremental payments of the total authorized tuition amount, based on a payment schedule developed by HRWC, unless otherwise agreed. Applicants may propose Incremental Tuition Payment Plans for consideration as part of their ITA Application Package submission, as applicable and appropriate.

VII. GENERAL TERMS AND CONDITIONS

A. APPLICABLE LAWS AND COURTS: This Application Package and any resulting ITA Vendor Agreement shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the Courts of the Commonwealth. The Vendor shall comply with all applicable federal, State and local laws, rules and regulations, inclusive of, but not limited to, The Workforce Innovation and Opportunity Act (WIOA) of 2014, as amended; WIOA Regulations; related DOLETA Guidance Documents, Virginia Board of Workforce Development Policy Documents and Virginia Community College System (VCCS) VWL Documents; Nondiscrimination and Equal Opportunity Laws and Regulations; Drug Free Workplace Act; applicable federal prohibitions regarding Lobbying; and, the federal Immigration Reform and Control Act of 1986.

Program training sites must provide full physical and programmatic accessibility for participants in accordance with Section 188 of WIOA and the Americans with Disabilities Act (ADA).

B. DEBARMENT STATUS: By submitting their Application Packages, Applicants certify that they are not currently debarred by the Commonwealth of Virginia, any local public regulatory authority or municipality and/or the Federal Government from submitting bids or applications for the type of services covered by this Application Package, nor are they an agent of any person or entity that is currently so debarred.

C. PAYMENTS: Payments will be made as soon as possible after approval by the HRWC Finance Department. Charges will not exceed those prices submitted in the Application and subsequently accepted, unless otherwise authorized by HRWC.

D. QUALIFICATIONS OF APPLICANTS: HRWC reserves the right to inspect the Applicant's physical facilities and/or review the proposed training program (s) prior to HRWDB action on the proposed training program (s) in order to satisfy questions regarding the Applicant's capabilities. In addition, HRWC reserves the right to request additional

verification documentation regarding the Applicant's proposal, as needed. HRWC further reserves the right to reject any Application Package if evidence is found that such Applicant is not properly qualified to carry out the obligations of the Vendor Agreement and to provide the services contemplated therein and/or if the Applicant fails to meet the submission requirements of the ITA Application Package, as solely determined by HRWC.

- E. **INSURANCE**: By signing and submitting under this Application Package, the Applicant certifies that it shall maintain and provide verification upon request during the term of the Vendor Agreement, all required and applicable insurance to include, but not be limited to Comprehensive General Liability Coverage, as appropriate.

- F. **AVAILABILITY OF FUNDS**: In the event that federal, State or local funds that are the resources for the ITA Vendor Agreements are discontinued, curtailed or otherwise no longer available, Vendor Agreements entered into as a result of this Application Package may be cancelled or reduced, at any time. HRWC will endeavor to notify ITA Vendors in writing as soon as possible, in the event of such.

- G. **SUB-CONTRACTS**: In the event that the Applicant desires to sub-contract any part of the services specified herein, the Applicant shall furnish to HRWC the scope of work, names, qualifications and experience of their proposed sub-contractors, as part of the Application Package submitted to HRWC, for approval. The Applicant shall, however, remain fully liable and responsible for the services to be done by the sub-contractor and shall assure compliance with all requirements of the ITA Vendor Agreement.

- H. **CLARIFICATION OF TERMS**: If an Applicant has questions about the Application Package, specifications or other related documents, the Applicant should contact HRWC prior to proposal submission. Any revisions to this Application Package and/or related information updates will be made in writing and posted on the HRWC website at www.vcwhamptonroads.org without notice. **Questions** may be addressed to William Coley, HRWC Operations Officer, at either 757-314-2370 or bcoley@vcwhamptonroads.org.

- I. **ITA VENDOR AGREEMENT**: All Applicants approved by the HRWDB as a result of this application package will be issued an ITA Vendor Agreement with HRWC. This Agreement will identify the specific program(s) and prices approved by the HRWC's Board of Directors, the various terms, conditions and stipulations under which the relationship with HRWC will be governed and the ITA Voucher issuance, payment and invoice requirements and procedures. ITA Vendor participant data collection and reporting requirements for continued eligibility will also be outlined. All HRWC **ITA Vendor Agreements for programs approved for Initial Eligibility will be for a period of one (1) year**. Continued eligibility thereafter will be for one (1) year periods based on satisfactory performance, in accordance with HRWC's ITA Policy.

The training program tuition amount (s) proposed in the application package and agreed to by HRWC is expected to remain in force for the full duration of the ITA Vendor Agreement, unless otherwise authorized by HRWC. ITA vendors **are not** guaranteed any minimum number of customer referrals and/or customer enrollments under this relationship. However, the ultimate right of selection of referrals from HRWC for acceptance into a Vendor's program rests with the Vendor, and in that regard, ITA Vendors should conduct their own assessments of referrals in order to determine appropriateness for program acceptance. In addition, it is expected that ITA Vendors will provide job search assistance to those participants who successfully complete their programs, to the fullest extent possible.

H. PERFORMANCE EXPECTATIONS: The minimum expected performance levels for HRWC funded training service participants, are as follows:

- ✓ Training Completion Rate 50%
- ✓ Credential Attainment Rate 65%

Additional employment rate and earnings related performance levels will be determined by HRWC.

K. RECOGNIZED POSTSECONDARY CREDENTIAL: This term means an occupational skills related credential consisting of an industry-recognized certificate or certification; a certificate of completion for a Registered Apprenticeship; a license recognized by the State involved or Federal Government; or, a diploma, certificate, associate degree.

NOTE: No Bachelor's Degree or above programs will be authorized with the exception of Bachelor's Degree in Nursing Programs. Credential documentation is required to be provided to the applicable One-Stop System Staff, upon the successful completion of training.

NOTE: all credentials awarded as a result of the successful completion of training must be sufficient in value to support the participant's entry into training related unsubsidized employment.

L. EQUAL OPPORTUNITY: Equal Opportunity: Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA) prohibits discrimination against all individuals in the United States on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship or participation in any WIOA Title I financially assisted program or activity. Prohibitions against discrimination are made on the basis of the following:

1. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color, and national origin, which includes discrimination affecting persons with limited English proficiency;

2. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
3. The Age Discrimination Act or 1975, as amended, which prohibits discrimination on the basis of age;
4. And Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in education programs.

If applicable, HRWC will provide an explanation of the client's rights and protections under 29 CFR Part 38. HRWC will also provide a copy of Virginia's Equal Opportunity Notice (English or Spanish version) to the client and maintain a copy in the client's file.

The ITA Vendor shall comply with Section 188 of the Workforce Innovation and Opportunity Act, and Title VI of the Civil Rights Act as noted above, as well as guidance regarding services and access for persons with limited English proficiency, to the extent they apply to the subject matter of this contract. Specific guidance is provided at Part IV, Department of Labor Federal Register/Volume 68, No. 103, issued Thursday, May 29, 2003, and Department of Health and Human Services Federal Register/Volume 65, No. 169, August 30, 2000 and Department of Health and Human Services Federal Register Volume 68, Number 153, August 8, 2003.

- M. PROPOSAL RECONSIDERATION:** Applicants who submit proposed programs in accordance with the requirements and related stipulations of this Application Package, which are not approved for inclusion on the HRWDB Approved List, may have their proposal(s) reconsidered upon written request, in accordance with the requirements stipulated in the HRWDB Ad Hoc Reconsideration Process, which is attached. Applicants must first go through this Process before seeking any further resolution under the State Process.

WC/GLB/cje

ATTACHMENTS

- A. Check Sheet of Submission Requirements
- B. HRWC Regional Training Provider Application Form
- C. HRWC Regional Training Program Application Form
- D. List of Training Provider Exemptions
- E. List of Certifying Agencies
- F. HRWC Board of Directors Ad Hoc Reconsideration Process

ATTACHMENT A

**CHECK SHEET FOR REQUIRED APPLICATION FORMS
 AND ATTACHMENTS**

CHECK HERE TO INDICATE DOCUMENT IS ATTACHED	ATTACHMENTS AND FORMS
	1. Check Sheet (Attachment A)
	2. Training Provider Application Form (Attachment B)
	3. Individual Training Program Application (Attachment C) <i>Complete one form for EACH training program or occupational skills course of study.</i> NOTE: Pay particular attention to all of the separately required verification documents, as itemized.
	4. Suspension/Debarment Certification Form (provided)
	5. WIOA Section 188 and ADA Compliance Statement (provided)
	6. Anti-Discrimination Certification Form (provided)
	6.A. Copy of Training Provider’s Anti-Discrimination Policy
	7. Certification and Representation Signature Sheet (provided)
	8. Occupational Demand Information. (See Section IV. B)
	9. Performance information addendum by individual program, if available. (See Section IV. C)
	10. Copy of Virginia Oversight Documentation (SCHEV, VA School of Nursing, or other qualified entity.)
	11. Copy of License to Conduct Business in Virginia
	12. Copy of current license to operate as a school or training provider for the proposed program(s).
	13. Copy of Training Provider Grievance Procedure for Individuals with complaints on issues, such as discrimination, accessibility, etc.
	14. Copy of Training Provider Tuition Refund Policy

ATTACHMENT B
HRWC Regional Training Provider Application

1. Name of Training Organization		2. Federal Tax ID #	
3. Mailing Address	4. City	5. State	6. Zip
7. Physical Address	8. City	9. State	10. Zip
11. Name and Title of Contact Person			
12. Email Address of Contact Person	13. Phone Number of Contact Person		
14. Mailing Address of Contact Person (if different from above)			
15. Year Established	16. Website Address		
<p>17. Type of Entity (check one):</p> <p><input type="checkbox"/> A. Postsecondary Education Institution that is eligible to receive federal funds under Title IV of the Higher Education Act of 1965 and that provides a program the leads to certification or license or college certificate, associate degree or baccalaureate degree.</p> <p><input type="checkbox"/> B. Postsecondary School that offers formal instructional programs with curricula designed primarily for students who have completed the requirements for a high school diploma or its equivalent.</p> <p><input type="checkbox"/> C. Entity that carries out related instruction under the National Apprenticeship Act recognized by the Virginia Department of Labor and Industry</p> <p><input type="checkbox"/> D. A provider of a program of occupational training services that under Section 23-276.2 of the Code of Virginia is exempt from certification as a postsecondary school such as a professional or occupational training program regulated by another state or federal governmental agency other than the State Council of Higher Education for Virginia (SCHEV), any school, institute, or course of instruction offered by any trade association or any nonprofit affiliation of a trade association on subjects related to the trade, business, or profession represented by such association, or</p> <p><input type="checkbox"/> E. A provider of adult education and literacy activities under title II of WIOA, if these activities are provided in combination with occupational skills training.</p>			

HRWC Regional Training Provider Application – Page 2

Programs and Providers under Categories A, B, D, E must provide evidence of active certification by the appropriate state agency to operate or must have program approval from an applicable state agency in order to be considered for approval under this Application.

Programs and Providers under Category C will be granted approval under this Application, if requested, following confirmation by the Virginia Department of Labor and Industry that the sponsoring employer and apprenticeship related instruction have been recognized by the state and are active and in good standing. Additional information related to Registered Apprenticeship is contained in Virginia Board of Workforce Development Policy #404-02 (www.elevatevirginia.org).

18. Does your organization provide job search assistance or placement services? Yes No

If yes, please describe: SS

19. What types of financial aid are available to students?

20. Does your organization have a tuition refund policy? Yes No

If yes, please attach the policy including time frames and percentage of reimbursement

21. Name of Financial Aid Contact Person

22. Email Address of Financial Aid Contact Person

23. Please provide three employer references (who have hired training completers):

1. Agency Name:
 Contact Person Name:
 Telephone Number of Contact Person:
 Email Address of Contact Person:

2. Agency Name:
 Contact Person Name:
 Telephone Number of Contact Person:
 Email Address of Contact Person:

3. Agency Name:
 Contact Person Name:
 Telephone Number of Contact Person:
 Email Address of Contact Person:

24. **WIOA Data Collection and Performance Reporting:** Acknowledged

Per the guidance on pages 2 and 3 of the application package’s cover memo, I understand my Agency is responsible for tracking and reporting on the performance indicators listed (and other indicators the Board may require) for any students. This data will be required for subsequent year re-certification.

ATTACHMENT C

HRWC Regional Training Program Application

A SEPARATE APPLICATION FORM MUST BE COMPLETED FOR EACH TRAINING PROGRAM OR OCCUPATIONAL SKILLS COURSE OF STUDY

1. Name of Training Organization				
2. Contact Person – Name and Title				
3. Training Program or Stand-Alone Course Name				
4. Program or Course Description				
5. Date Program Established	6. Date Program was last delivered within Hampton Roads Region	7. Total Credit or Curriculum Hours	8. Number of Training Weeks	10. Minimum Class Size
			9. Weekly Schedule	11. Maximum Class Size
12. Does your school require drug testing? [] Yes [] No			13. Number of Instructors for this course:	
14. Is curriculum certified by an accrediting agency or similar national standardization program? [] Yes If yes, specify the entity/organization: _____ [] No				
15. Description of training and skills to be obtained: Check if <u>Attached</u> [] A. Attach training program description [] B. Attach Syllabus or outline of what is covered in the program [] C. Attach a list of specific skills to be obtained				

22. List local businesses that have hired completers from this particular training program:

23. List local businesses that have supported this particular training program.

24. Describe how you will ensure access to training services throughout the state, including rural areas through the use of technology:

Is this training program available (check all that apply):

- Locally
- Regionally
- State-Wide
- Distance Learning

25. Describe how you will work with the local board to serve individuals with barriers:

Is this training program suitable for individuals with barrier(s) including certain disabilities?

Yes No

If no, describe your exceptions:

Program Costs

26. Pell Grant Eligible?	<input type="checkbox"/> Yes <input type="checkbox"/> No
27. Registration/Pre-screening/Admission Fees	\$
28. Tuition:	\$
Books:	\$
Required Supplies (tools, uniforms, etc.):	\$
Testing/Exam Cost(s):	\$
Licensure/Certification Cost(s):	\$
Other Required Fee(s): Explain:	\$
Other: Explain:	\$
29. TOTAL COST TO COMPLETE CURRICULUM/COURSE	\$

SUSPENSION/ DEBARMENT FORM

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED
TRANSACTIONS**

(1) The prospective lower tier subcontract proper certifies, by submission of this Proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier subcontract proposer is unable to certify to any of the statements in this certification, such prospective subcontract proposer shall attach an explanation to this proposal.

Organization Name:	
Authorized Signature:	Date:
Printed Name and Title:	

ANTI-DISCRIMINATION FORM

ANTI-DISCRIMINATION CERTIFICATION

The training provider certifies that it will comply fully with all non-discrimination and equal opportunity provisions of the laws listed below:

- 1) Nondiscrimination provisions of WIOA Section 188, and its implementing regulations at 29 CFR part 38, which prohibit discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity.
- 2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- 3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
- 4) Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age.
- 5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
- 6) Title II, Subpart A of the Americans with Disabilities Act of 1990, as amended, which prohibits discrimination on the basis of disability.
- 7) Genetic Information and Nondiscrimination Act of 2008, which prohibits discrimination on the basis of genetic information with respect to health insurance and employment.

The training provider also certifies that it will:

- 1) Will collect and maintain data necessary to show compliance with the non-discrimination provisions of the WIOA Sec. 188, as provided in the regulations.
- 2) Will state in all solicitations or advertisements for employees placed by or on behalf of the provider, that the provider is an equal opportunity employer.
- 3) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- 4) Make any and all reasonable accommodations to provide access and equity of services to disabled persons applying to or enrolled in any approved program of study.

Organization Name:	
Authorized Signature:	Date:
Printed Name and Title:	

CERTIFICATION AND REPRESENTATION FORM

CERTIFICATION AND REPRESENTATION

I, _____ (Name) as _____ (Title)

of _____ (Applicant Agency), hereby

certify and represent the following:

1. That the information contained in this application and all attachments is true and correct to the best of my knowledge and belief; and

2. That _____ (Applicant Entity) will permit representatives of the Workforce Development Board and the Commonwealth of Virginia access to its facilities, staff, and records for the purpose of verifying information contained in this application and for collecting any additional information related to its qualifications as a provider of training services under the WIOA.

3. I understand that approval by a LWDB places the provider and program on the state Eligible Training Provider List but does not guarantee a local area will fund the approved training activity through the issuances of an ITA. That determination is further based on local policy which must include, at a minimum, relevance of training to demand occupations that are in demand regionally, availability of local funds, and likelihood that training will support the individual in meeting their career objectives and employment. The selection of a training provider is based on participant choice.

Signed this _____ day of _____, _____

Signature: _____

Telephone Number: _____

Email Address: _____

FOR LWDB OFFICE USE ONLY			
Date Received by LWDB	Date Approved By LWDB	Date LWDB Submitted to State	Authorized LWDB Signature

ATTACHMENT D

CERTIFICATION/ACCREDITATION AGENCIES/ENTITIES

The following State Agencies can provide approval for Occupational Skills Training programs

(please note that this is not an all-inclusive list):

- ✓ Criminal Justice Services Department
- ✓ Department of Health Professions (DHP)
- ✓ Department of Medical Assistance Services (DMAS)
- ✓ Department of Motor Vehicles
- ✓ Department of Professional and Occupational Regulation (DPOR)
 - Board for Barbers and Cosmetology
 - Board for Contractors
 - Fair Housing Board
 - Real Estate Board
 - Real Estate Appraisers Board
 - Tradesmen
 - Board for Waste Management Facility Operators
 - Board for Waterworks and Wastewater Works Operators and Onsite Sewage System
 - Professionals
- ✓ State Council of Higher Education for Virginia (SCHEV)
- ✓ Virginia Board of Pharmacy
- ✓ Virginia Board of Nursing

ATTACHMENT E

EXEMPTIONS FROM CERTIFICATION

§ 23-276.2 of the Code of Virginia allows the following exemptions from certification:

1. Public institutions of higher education in Virginia
2. Educational offerings or activities that meet the following:
 - a. A nursing education program or curriculum regulated by the Board of Nursing;
 - b. A professional or occupational training program regulated by another other state or federal governmental agency;
 - c. Those courses or programs of instruction given by or approved by any professional body that are principally for continuing or professional education and for which no degree credit is awarded;
 - d. Those courses or programs offered through approved multistate compacts, including, but not limited to, the Southern Regional Education Board's Electronic Campus;
 - e. Those courses offered and delivered by a postsecondary school that is accredited by an entity recognized by the U.S. Department of Education for accrediting purposes, if such courses are provided, solely on a contractual basis for which no individual is charged tuition and for which there is no advertising for open enrollment;
 - f. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association;
 - g. Any public or private high school accredited or recognized by the Board of Education;
 - h. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice in higher education;
 - i. Religious institutions whose primary purpose is to provide religious or theological education.

§ 23-275.4 C of the Code of Virginia states that institutions of higher education are not required to obtain further certification if they (i) were formed, chartered or established in the Commonwealth; (ii) have maintained a main campus continuously in the Commonwealth for at least 20 calendar years under their current ownership (iii) were continuously approved or authorized to confer or grant academic or professional degrees by the Council for 20 years; and (iv) are fully accredited by an accrediting agency that is recognized by the United States Department of Education.

Postsecondary institutions that do not meet the requirements of §23-276.2 or §23-276.4 (C) above are required to obtain certification in accordance with the List of Certifying State Agencies.

The Hampton Roads Workforce Council, the Board for Local Workforce Development Area #14 under the Workforce Innovation and Opportunity Act (WIOA) of 2014, has the responsibility for ensuring that Training Provider Programs are in compliance with WIOA Section 188 and The Americans with Disabilities Act (ADA).

WHAT IS WIOA SECTION 188?

- ✓ Section 188 implements the nondiscrimination and equal opportunity provisions of WIOA, which are contained in section 188 of the statute.
- ✓ Section 188 prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, **disability**, political affiliation or belief, among other bases.
- ✓ Section 188 also requires that reasonable accommodations be provided to qualified PWD in certain circumstances.
- ✓ Section 188 of WIOA contains provisions identical to those in Section 188 of WIA.
- ✓ The regulations for Section 188 of WIOA can be found at 29 CFR Part 38.

WHO DOES SECTION 188 APPLY TO?

“Recipients” are defined as: Any entity to which financial assistance under WIOA Title I is extended, including:

- ✓ State level agencies that administer or are financed by WIOA Title I funds
- ✓ State Employment Security Agencies
- ✓ State and local Workforce Investment/Development Boards
- ✓ One-Stop Operators
- ✓ Service providers, **including eligible training providers**
- ✓ On-the-Job Training employers
- ✓ Job Corps contractors and center operators (excluding federally-operated Job Corps centers, and
- ✓ Programs and activities that are part of the One-Stop delivery system that are operated by One-Stop partners

WHO IS A PERSON WITH A DISABILITY?

For the purposes of the 188 Reference Guide, the term **“individual with a disability”** is defined in the current Section 188 regulations as an individual with “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.”

ACCESSIBILITY CERTIFICATION

Training programs must make every effort to provide training services that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities. Actions include, but are not limited to:

- ✓ Providing reasonable accommodations for persons with disabilities
- ✓ Making reasonable modifications to policies, practices, procedures to avoid discrimination against persons with disabilities
- ✓ Administering programs in the most integrated setting appropriate
- ✓ Communicating with persons with disabilities effective as others
- ✓ Providing appropriate auxiliary aids and services, including assistive technology devices, to afford persons with disabilities equal opportunity to participate in programs/activities
- ✓ Providing for the physical accessibility of AJC to persons with disabilities

The training provider certifies compliance with and adherence to the requirements and expectations of WIOA Section 188 and the ADA:

Organization: _____

Authorized Signature: _____ Date: _____

Printed Name and Title: _____

ATTACHMENT F

AD HOC RECONSIDERATION PROCESS HAMPTON ROADS WORKFORCE COUNCIL BOARD OF DIRECTORS

The Hampton Roads Workforce Council (HRWC) administers the Workforce Innovation and Opportunity Act (WIOA) of 2014 within the 15 local Hampton Roads jurisdictions that comprise Local Workforce Development Area #14 within the Commonwealth of Virginia and has the responsibility for selecting program providers for the Region from among various applicants.

It is the desire of the HRWC to voluntarily provide an informal process for any applicant who submits a proposal which is not selected or program contract that is not extended or ITA program that is not recertified for continued eligibility, to have the opportunity to request reconsideration of such action.

Therefore, the following process applies to proposals received in response to HRWC RFPs, ITA Applications and HRWC decisions to not extend a program contract or ITA program for an additional performance period, in accordance with the applicable RFP or ITA Application/ Vendor Agreement:

PROCESS STEPS

- 1) If a proposal is not accepted, a program contract is not extended or an ITA program is not continued, the HRWC Operations Officer shall formally notify the applicant/program contractor/ITA Vendor of such action within five (5) workdays of the decision. Such notification will have attached thereto a copy of this process.
- 2) In the event the applicant/program contractor/ITA Vendor desires reconsideration of a proposal, a program contract extension decision or removal of an ITA program, such applicant/program contractor/ITA Vendor shall submit a written request for reconsideration to the HRWC Operations Officer within five (5) workdays of notification of the decision.
- 3) Upon receipt of such written request, the HRWC Operations Officer shall within five (5) workdays of receipt of such, notify the Chairperson of the HRWC's Board of Directors (BOD). The Chairperson shall within five (5) workdays of such notification, appoint an AD HOC Committee to informally meet with the applicant/program contractor/ITA Vendor to discuss the request for reconsideration. In the case of youth proposals/contractors, most of the AD HOC Committee members shall be Youth Committee members.
- 4) The Chairperson of the AD HOC Committee, appointed by the HRWC BOD Chairperson, shall then set a time for a meeting with the applicant/program contractor/ITA Vendor, to be held within ten (10) workdays or as expeditiously as possible, thereafter.
- 5) Said meeting shall be informal, and be restricted to the AD HOC Committee, the applicant/program contractor/ITA Vendor and HRWC staff, as requested by the AD HOC Committee Chairperson.
- 6) The AD HOC Committee shall allow, under procedures to be set by the AD HOC Committee Chairperson, the applicant/program contractor/ITA Vendor to submit either orally or in writing, any additional information, as it relates to the applicant's proposal, contract extension decision or ITA program removal.
- 7) The AD HOC Committee shall report to the HRWC BOD Executive Committee at their next regularly scheduled meeting the result of any vote taken as to whether to recommend proposal/contract extension/ITA program removal reconsideration and the reason (s) for any such recommendation or to affirm the original decision.
- 8) The HRWC BOD Executive Committee shall consider such recommendation and act as it deems appropriate. Any such recommendation which results in the award of funding to an applicant's proposal or an increase in the original award amount of an applicant's proposal or the extension of a program contract shall be presented to the full HRWC BOD at its next regularly scheduled meeting, for action. ITA programs recommended for inclusion on the HRWC's Approved ITA Programs List may be added by the Executive Committee in between HRWC BOD meetings.
- 9) Nothing contained in this process shall create a right to funding or a right of appeal if the AD HOC Committee does not in its sole discretion, recommend that the applicant's proposal/ contract extension decision/ITA program removal be reconsidered by the HRWC BOD Executive Committee. **Note:** Applicants seeking resolution for a proposed ITA program(s) not being selected or removed by the HRWC **must first go through this local process before seeking resolution under the State Process.**