

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

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Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Courtney Arbour, Director, Workforce Development Division

Subject: **Funding Training Programs outside of Local Workforce Development Areas through Individual Training Accounts—*Update***

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated information and guidance on using Individual Training Accounts (ITAs) for training programs located outside of their local workforce development areas (workforce areas), including training providers and programs located outside of Texas.

RESCISSIONS:

WD Letter 12-19, Change 1

BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) establishes allowances for individuals to select training providers and programs located outside of their workforce areas, including training providers and programs located outside of the state. The Texas Workforce Commission (TWC) maintains the statewide Eligible Training Provider List (ETPL), which lists the providers that are eligible to receive funding through ITAs.

PROCEDURES:

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

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

Training Programs outside of the Workforce Area but within Texas

LF: Boards may use ITAs to fund training programs located outside of their workforce areas but within Texas.

NLF: Boards that choose to use ITAs for training programs outside of their workforce areas must establish a local policy that includes the following requirements:

- The training program must be included on the statewide ETPL in Texas.
- The training program must be aligned with local target occupations or target occupations in an area to which the participant is willing to commute or relocate.
- The ITA must be used in accordance with other existing TWC guidance.

Training Providers or Programs outside of Texas

NLF: Boards must be aware that out-of-state training providers or programs are not eligible for inclusion on the statewide ETPL. Programs outside of Texas do not have access to ITAs except where local policies have been established.

NLF: Boards must be aware that out-of-state training providers are those institutions that do not have a physical location within Texas from which training, including online or remote learning, is provided.

LF: Boards may use ITAs for training programs located outside of Texas if a local policy has been established in accordance with this guidance.

NLF: Boards must ensure that a local policy to fund training programs outside of Texas includes the following requirements:

- The training program must be listed on the statewide ETPL in the state where the provider is located or in any other state or US territory.
- The training program must be aligned with local target occupations or target occupations in an area to which the participant is willing to commute or relocate.
- The training program must provide performance information in a manner determined by TWC that demonstrates that the program meets or exceeds any minimum performance standards established by TWC's three-member Commission (Commission).
- The training program must have an existing partnership with a local employer in the workforce area, as documented by a letter of support or the existence of an employer advisory committee.
- The training program must be approved by TWC's executive director before funding through an ITA.
- The training provider must be appropriately licensed in accordance with TWC Chapter 840 WIOA Eligible Training Providers rule §840.10.
- Workforce Solutions Office staff must document out-of-state ETPL listings in participant case files before requesting or approving the use of an ITA.
- The ITA must be used in accordance with other existing guidance.

NLF: Boards must be aware that the Commission may adopt performance standards for out-of-state programs. At such time, out-of-state programs will be required to meet or exceed these standards in order to be approved for ITA funds in Texas.

NLF: Boards must submit the following information to TWC, including any available documentation, for an out-of-state program to be considered for approval for funding through an ITA:

- Current Board policy regarding out-of-state training programs
- Information for all required fields on the ETP Local Board Tool
- Documentation of the training program's inclusion on another state's or US territory's ETPL
- Documentation of compliance with the requirements of Texas Education Code Chapter 132
- Documentation demonstrating a connection with at least one local employer in the Board's workforce area or the existence of an employer advisory committee
- Any additional information requested by TWC, as applicable

NLF: Boards must submit all out-of-state training program documents to the following email address: etp.helpdesk@twc.texas.gov. TWC will inform a Board if additional information or clarification is required before the documentation submitted can be reviewed.

NLF: Boards must be aware that out-of-state training program information will be reviewed by TWC's executive director. Following the review, TWC will inform the Board whether the out-of-state program is approved or denied within 60 days.

NLF: Boards must be aware that when an out-of-state training program is approved by TWC's executive director, training may only be funded through ITAs by the Board that submitted the program.

NLF: Boards must be aware that once approved, out-of-state programs will remain eligible for local funding through ITAs until one of the following changes occur:

- The provider or program is removed from the other state's ETPL
- The provider or program no longer complies with Texas Education Code Chapter 132
- The provider or program requests voluntary removal from the list of approved out-of-state providers
- A Board policy change that requires removal or redetermination

NLF: Boards must ensure that training providers are informed that:

- local approval of a training program does not guarantee that funding will be provided for any student; and
- Boards—not training providers—determine an individual's eligibility for WIOA, including the need for training.

NLF: Boards must ensure that participants and training providers are informed that WIOA training funds are not available unless an ITA is approved and has been issued to the training provider or eligible participant.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Revisions to WD Letter 12-19, Change 1, Shown in Track Changes

REFERENCES:

Workforce Innovation and Opportunity Act Regulations, 20 CFR Part 680, Subpart D,
Eligible Training Providers
Texas Workforce Commission Chapter 840 WIOA Eligible Training Providers Rules