

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 54-04

Date: November 3, 2004

Key Word: WIA

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

From: Luis M. Macias, Director, Workforce Development Division

Subject: **Workforce Investment Act Eligible Training Provider Certification System:
Training Location Address Changes**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with new information regarding training location address changes for programs certified under the Workforce Investment Act Eligible Training Provider Certification System (ETPS).

REFERENCES:

Workforce Investment Act, Section 122

Workforce Investment Act; Final Rule, Part 663, Subpart E

Texas Workforce Commission Workforce Investment Act Rules: 40 TAC

§841.1–§841.96

WD Letter 02-03, Change 2, issued July 1, 2004, and entitled “Workforce Investment Act Eligible Training Provider System: Initial and Subsequent Eligibility Application Process and Performance Reporting Requirements”

WD Letter 02-03, Change 3, issued July 7, 2004, and entitled “Workforce Investment Act Eligible Training Provider System: Initial and Subsequent Eligibility Application Process and Performance Reporting Requirements: Clarification”

FLEXIBILITY RATINGS:

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. Federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

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 guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

Training providers are required to submit Initial Eligibility Applications to the Boards for the local workforce development areas (workforce areas) in which the training provider wishes to provide training services. For each application, regardless of exemption status, a separate application is required for a unique combination of (1) workforce area, (2) training program, and (3) training location (i.e., physical address).

Previously, new Initial Eligibility Applications were required for all training location address changes, including the withdrawal of a certified program from its existing location. However, it is not the intent of these requirements to make common address changes prohibitive to the certification of training programs. Therefore, the Texas Workforce Commission (Commission) is implementing a streamlined address change policy detailed in this WD Letter.

PROCEDURES:

Boards must be aware that the following procedures apply only to address changes for existing training provider locations, not to additional locations the training provider may add.

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I. Board Responsibilities. Boards must:

- A. Continue to require applications by training location and program. Any additional training location requiring a new license or approval by its regulatory entity will warrant a new Provider Assurance Statement and Initial Eligibility Application.
- B. Ensure that the training provider:
 - 1. maintains essentially the same faculty and student body at the new location as at the previous location;
 - 2. does not require approval for a new location per the guidelines established by the Texas Higher Education Coordinating Board, the Texas Workforce Commission’s Career Schools and Colleges program, or other appropriate regulatory entity, as applicable;
 - 3. maintains, to the extent possible, a continuity of operations during the relocation; and
 - 4. does not provide training at both the previous and new locations concurrently.

- C. Provide information and technical assistance to affected training providers regarding the training location's address change.
- D. Process the Provider Change of Address Form.
 - 1. The form must be submitted to the Board within 30 days of the training location move.
 - 2. The form indicating Board approval of the address change must be submitted by the Board to the Commission's TWC-ETPS Unit within 30 days of receiving the training provider's submission.

TWC-ETPS Unit
 101 E. 15th St., Room 112-T
 Austin, TX 78778

- E. Ensure that training providers complete the Provider Change of Address Form, located within the ETPS online system through ***Provider Profile*** by accessing the ***Training Location*** to be modified. The online form is the most recent version.

II. Board Options. It is recommended that Boards:

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- A. Review any applicable online documents.
- B. Review and modify, as applicable, local ETPS-related policies and protocols to ensure that none conflict with the training location address change policy.

ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the Commission's ETPS Help Desk at:

- tpcs.helpdesk@twc.state.tx.us
- (866) 256-6333 [Toll-free]
- (512) 936-0669 [Local/Austin]

Rescissions: None	Expiration: Continuing
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