

**MEMORANDUM OF UNDERSTANDING**

**ITA Training Providers**

This agreement (Agreement) is made and entered into by and between Delaware’s Workforce Development Board, hereinafter referred to as the (DWDB) and the Training Provider known as

 , located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter referred to as the (Provider).

**WHEREAS** the Workforce Innovation and Opportunity Act (WIOA) requires the DWDB to provide policy guidance and oversight with respect to workforce development activities, including identification of eligible training providers, who may receive payment of Individual Training Account federal funds if they meet initial as well as subsequent requirements of Title 1 of WIOA.

**NOW, THEREFORE, BE IT RESOLVED** that the following Agreement between the DWDB and the above-mentioned Provider shall, when signed, constitute a proper and valid agreement between the two parties for the purposes of governing each parties’ obligations under WIOA, DWDB policies, minimum renewal requirements, and required performance data.

A training provider must qualify as one of the following to meet the definition of an eligible training provider:

1. Institute of higher education that provides a program of training that leads to a recognized postsecondary credential.
2. Entity that carries out program under the Registered Apprenticeship.
3. Public or private training providers, which may include community-based organizations (CBOs) and joint labor-management organizations.
4. Provider of adult education and literacy activities if such activities are provided concurrently or in combination with other training services.

Delaware Workforce Development Board will:

1. Provide the High Demand Occupation List, comprising essential occupations required to address market demands, along with approved training programs approved by DWDB. This list is developed in collaboration with the Office of Occupational and Labor Market Information, Delaware Department of Labor.
2. Make available a comprehensive training list of programs through the reporting system that is maintained as part of Delaware JobLink (DJL) to allow for informed customer choice.
3. Make available written documentation of approved Provider and programs to the Eligible Training Provider List.
4. Place programs in hold status if:
	1. complaints are received; or
	2. if providers are identified in notices of non-compliance with other State Agencies, including divisions with Department of Labor (Unemployment Insurance, Industrial Affairs, or Employment and Training) and Division of Small Business; or
	3. if Provider’s required documents are out of date.
5. Ensure payment for the approved Individual Training Account when submitted by a current eligible training provider for an approved program.
6. Reserves the right to visit the Provider (announced and unannounced) to monitor programs to ensure compliance with federal and state policies and regulations.
7. Remove Provider and or Provider’s programs from the State list of eligible training providers if Provider:
	1. is determined by DWDB to have intentionally supplied inaccurate information or to have substantially violated any provision of Title I of WIOA or the WIOA regulations;
	2. substantially violates requirement to timely and accurately report performance data as required by the DWDB;
	3. substantially violates the requirement to timely and accurately meet annual renewal deadlines or any other deadlines as required by the DWDB;
	4. fails to comply with other applicable state or federal laws or regulations, including state labor laws;
	5. program(s) do not meet prescribed performance measures or if program(s)fail to meet prescribed eligibility criteria;
	6. does not provide quality training, as determined by DWDB, or does not provide training according to the contracted information listed in DJL submitted by Provider in support of this Agreement;
	7. does not adhere to any corrective action plan imposed on Provider by DWDB;
	8. fails to comply with this Agreement.
8. Prior to removal of a Provider or program from the eligible training provider list, DWDB will work with Provider to come into compliance through a corrective action plan.
9. Remove Provider and Provider’s programs that fail to comply fully with the nondiscrimination and equal opportunity provisions [of Section 188 of Workforce Innovation and Opportunity Act (WIOA) and 29 CFR Part 38](https://www.ecfr.gov/current/title-29/subtitle-A/part-38), or any other laws regarding WIOA title 1 financially assisted programs and activities.
10. Provide one set of Equal Opportunity posters (three sets, in English and Spanish, 11X17 format), instructions, templates for posters, and updates to contact information for all designated EO Officers to Provider for providing WIOA-required Equal Opportunity notifications.
11. Provide technical assistance to Provider regarding compliance with WIOA, WIOA Regulations, this Agreement, DWDB policies and DWDB letters of instruction for Provider.

Responsibilities of the Provider:

1. Meet all eligibility criteria and provide all required documentation set forth in the DWDB Eligible Training Provider List (ETPL) Approval Criteria posted on the DWDB website, both initially and at each renewal period, for each program. In order to remain eligible, Provider’s required documents must be up to date and in compliance with state laws. It is the sole responsibility of the Provider to maintain current documents. Providers can be temporarily removed or deactivated if required documents are not up to date.
2. Maintain a Delaware Department of Education approval as indicated in [Title 14](https://delcode.delaware.gov/title14/title14.pdf), Chapter 85 of Delaware Code. The certificate of approval must be provided to DWDB upon initial eligibility and each calendar year thereafter or otherwise upon expiration of the prior certificate. Providers who do not meet this requirement because they are specifically excluded from [Title 14](https://delcode.delaware.gov/title14/title14.pdf), Chapter 85, Section 8529 must notify the DWDB in writing.
3. Maintain compliance with all State of Delaware agencies. This includes Delaware Department of Labor, Division of Unemployment Insurance, Industrial Affairs, and Division of Employment and Training, and Division of Small Business. Compliance includes, but not limited to, wage and hour, workers’ compensation, special assessment referred to as Employment and Training Fund tax.
4. Offer programs that:
	1. are currently available in the Provider’s course catalog and/or website and in use by the general public on a tuition basis and make those programs available to the DWDB at the same or lower tuition;
	2. provide training according to the information and terms set forth in the program profile in DJL submitted by Provider in support of this Agreement, including but not limited to tuition total costs and training hours (internships/externships, lab, yard, or field hours).
	3. offer training/education and an industry approved credential for an occupation that is in demand by the current local labor market, listed as a high demand occupation on the High Demand Occupation list as designated by DWDB;
	4. ensure participants are provided quality education and training that will result in an industry recognized certificate or credential, a certificate of completion of a registered apprenticeship, a license recognized by the State of Federal government, or an associate or baccalaureate degree;
5. Have a physical Delaware address, or if out of state training provider, must first be included on that state’s ETPL.
6. Have a refund policy specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies must be written and published in DJL to ensure students are aware of how to request a refund.
7. Have a grievance policy that provides due process for student to file complaints with an organization against faculty, staff, or other employees. Grievance policies must be written and published to ensure students are aware of how to file a complaint.
8. Retain sufficient and qualified instructional and administrative staff ([Title 14 Delaware State Code](https://delcode.delaware.gov/title14/title14.pdf)). Notify DWDB of any personnel changes related to the training.
9. Ensure there are sufficient financial resources in place to guarantee that participants receive instruction, necessary materials, etc., until payment is received from the state.
10. Meet or exceed the state mandated performance requirements.
11. Submit reports or requests in a timely and accurate manner. This includes:
	1. all performance measures as outlined in the annual letter of instruction from DWDB, including median earnings, job placement, retention, and completion rates as stated in [20 CFR 680.460](https://www.ecfr.gov/current/title-20/section-680.460) (g). Failure to attain performance measures may result in probation and a corrective action plan, or in removal of the program;
	2. reporting performance data within 15 days of the close of the quarter (Quarter close dates are June 30, September 30, December 31, and March 31);
	3. providing the requested renewal data to DWDB no later than the deadline outlined in the letter of instruction for all programs that are subject to renewal. Programs which do not have their renewal data submitted by the deadline will be ineligible for funding on or after the July 1st renewal date. Programs approved after December of any given year are subject to consideration for renewal the following year; and
	4. Submitting invoices for payment as directed by DWDB within 90 days after the course drop/add date.
12. Follow DWDB instructions to enter programs and other necessary information into DJL and update DJL only during the renewal period unless otherwise stated. This includes all fees associated with the program including tuition, books, exam fees, and other related costs. Fees must be itemized in the cost description area in DJL under Program Cost Items.
13. Immediately report to the DWDB and update Provider profile in DJL of any changes in address for training location, clinical practice, or administrative offices that are associated with the training program.
14. Have a stable training facility location and a local land line telephone number. While the DWDB understands that the business world is dynamic and things change, it also understands that training facility stability is an indicator of a successful and viable organization. The DWDB may suspend any organization that moves without notification twice in the same 12-month period, as the Provider will be out of compliance with this Agreement.
15. Comply fully with the nondiscrimination and equal opportunity provisions of [Section 188 of Workforce Innovation and Opportunity Act (WIOA) and 29 CFR Part 38](https://www.ecfr.gov/current/title-29/subtitle-A/part-38), or any other laws regarding WIOA title 1 financially assisted programs and activities.
16. Comply with posting Equal Opportunity is the law posters in reasonable number of places, in available and conspicuous physical locations, and providing WOIA-required Equal Opportunity notifications to Registrants, eligible applicants, participants, claimants, employees, applicants for employment, and interested members of the public.

Failure to comply with these responsibilities may lead to suspension or removal of a program and/or a Provider from the State’s eligible training provider list. Any removal of a program or Provider will be subject to the appeal opportunities provided in the ETPL Appeal Process Policy, which is posted on DWDB’s website.

General Provisions:

1. This Agreement shall be governed by WIOA, the WIOA regulations and other applicable federal and State of Delaware laws and regulations.
2. Removal of a program or Provider from the State list of eligible training providers by DWDB will be subject to the ETPL Appeal Process Policy which is posted on DWDB’s website.
3. If any complaint is filed against Provider by a participant in training funded pursuant to this Agreement, DWDB will investigate and process the complaint pursuant to the Client Complaint/Appeal Procedures policy, which is posted on the DWDB website.
4. As part of the renewal process, DWDB will remove programs that fail to meet the established eligibility criteria at the time of renewal, which may include failure to meet established minimum performance levels. All Eligible Training Providers (ETPs) are required to report performance data requested by the State/DWDB. In addition to the data that must be provided on the WIOA participants being served by that program, WIOA section 116(d)(4) requires that ETPs provide the necessary information to the State/DWDB on all individuals being served in the approved program.
5. If an ETP request to be removed from the ETPL and a program appears on the ETPL during a given reporting period (between July 1 – June 30), providers will still be required to submit data for that program whether or not WIOA participants were enrolled in that program.  For information purposes only, providers will remain on the distribution list until reporting period is complete.
6. Nondiscrimination. As a condition to the award of financial assistance from DWDB under Title I of WIOA, Provider assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
	1. [Section 188 of the Workforce Innovation & Opportunity Act of 2014](https://www.ecfr.gov/current/title-29/subtitle-A/part-38) (WIOA), which prohibits 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. [Code of Federal Regulations (CFR) 29 CFR Part 38](https://www.ecfr.gov/current/title-29/subtitle-A/part-38#part-38)
	3. [Title VII of the Civil Rights Act of 1964](https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964), as amended, which prohibits discrimination on the bases of race, color, and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against individuals with disabilities;
	4. [The Age Discrimination Act of 1975](https://www.dol.gov/agencies/oasam/regulatory/statutes/age-discrimination-act), as amended, which prohibits discrimination on the basis of age; and
	5. [Title IX of the Education Amendments of 1972](https://www.justice.gov/crt/title-ix-education-amendments-1972), as amended, which prohibits discrimination on the basis of sex in educational programs.

This Agreement indicates an agreement between the **Provider** and the **DWDB.** Any disagreement between parties affecting this Agreement shall be resolved by mutually satisfactory negotiations. In addition to the ability to immediately remove or suspend a Provider or a program based on terms of this Agreement, either party may cancel the Agreement with a 60-day written notice. This Agreement shall be in effect until it is replaced by a mutual agreement of both parties and/or cancelled by either party.

We, the undersigned, an authorized representative of Provider with authority to enter into this Agreement and the Executive Director of DWDB, enter into this Agreement on the day of \_\_\_\_\_\_\_, 2024

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| Provider Authorized Signature | DWDB Signature |
| Print Name:  | Print Name:  |
| Title: | DWDB Executive DirectorTitle: |
| Provider Phone Number | DWDB Phone Number |