

**DRAFT DIRECTIVE
COVER PAGE**

Local Policy: Recovery of WIOA Tuition and Training Refunds

GENERAL INSTRUCTIONS

The attached directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email no later than **Wednesday, May 27, 2020**

All comments received within the comment period will be considered before issuing the final directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final directive.

Comments received after the specified due date will not be considered.

Email: bebonilla@tularewib.org

Include “Draft Recovery of WIOA Tuition and Training Refunds Comment” in the email subject line.

Mail: Workforce Investment Board of Tulare County
 Attn: Blanca Bonilla
 309 W. Main St., Ste. 120
 Visalia, CA 93291

If you have any questions, contact Blanca Bonilla at 559-713-5200

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY WORKFORCE INNOVATION AND OPPORTUNITY ACT TITLE I	DATE: April 27, 2020
	SUBJECT: Recovery of WIOA Tuition and Training Refunds

WIB DRAFT DIRECTIVE

TUL 20-05

TO: WIB Subrecipients
 WIB ETPL Providers
 WIB Staff

SUBJECT: Recovery of WIOA Tuition and Training Refunds

EXECUTIVE SUMMARY

PURPOSE:

The purpose of this directive is to inform the WIB Service Providers, ETPL Providers, and Staff of the policies and procedures in place to recover Workforce Innovation and Opportunity Act (WIOA) training and tuition refunds.

SCOPE:

This directive applies to all subrecipients of WIOA funds.

EFFECTIVE DATE:

This directive is effective upon date of issue.

REFERENCES:

- One-Stop Comprehensive Financial Management Technical Assistance Guide (TAG), Department of Labor (DOL), July 2002, Section II-6-10, WIA Individual Training Accounts (ITA)
- WIOA Sections 134(c)(3)(F)(i) – (iv), and 185(c)(3)
- Title 2 Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (uniform Guidance)
- Title 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor Exceptions)
- Title 20 CFR, WIOA Final Rule, Section 680.230, and Section 683.410(a)(1)
- Employment Development Department Directive, WSD19-10, Recovery of WIOA Tuition and Training Refunds (February 20, 2020)
- Title IV: Higher Education Act (HEA) of 1965

WIB IMPOSED REQUIREMENTS:

This directive contains WIB-imposed requirements. These requirements are in *bold, italic print*.

FILING INSTRUCTIONS:

This directive supersedes WIB Directive TCWIBD 10-02 dated February 13, 2010. Retain this directive until further notice.

BACKGROUND:

The WIOA Final Rule, Title 20 CFR 683.410(a)(1) states it is the responsibility of the recipient and each subrecipient to conduct regular oversight and monitoring of its WIOA activities and those of its subrecipients and contractors in order to determine whether expenditures have been made against the cost categories and within the cost limitations specified in WIOA and the regulations.

All subrecipients of WIOA funds must produce and maintain a written policy/procedure at the local level to ensure the recovery of unused WIOA training monies. This policy/procedure must establish general policy, specify the circumstances in which the Local Area will require a refund for over-invoiced training, and must clearly define the recovery process the subrecipient will use for over-invoicing or for services not provided.

POLICY AND PROCEDURES:

The WIB has established the policy and procedures for the recovery of WIOA tuition and training refunds from the approved providers on the Eligible Training Provider List (ETPL).

Policy

ETPL Provider:

- ***May invoice for the full term, trimester, or semester for the amount stated in the ITA voucher five days after participant begins training.***
- ***Is responsible for providing its standard policy regarding the amount of tuition that must be paid in advance to enroll or accept a participant, as well as its tuition reimbursement policy.***
- ***Must immediately notify WIB Fiscal Unit if a WIOA participant drops out of a training program during the time period when tuition can be refunded.***
- ***Any refund due to WIB must be received within thirty (30) days after participant drops out of training.***
- ***ETPL provider is responsible for providing the WIB any changes to its refund policy.***

The designated Occupational Skills Training (OST) Case Manager is responsible for the following:

- ***Check regularly with the ETPL Providers to ensure participants assigned to their caseload are still in the training program.***
- ***Determine, for any participant assigned to their caseload, if a refund is due for early termination of a participant's training.***
- ***Notify WIB Fiscal unit and program unit if a refund is due for early termination of a participant's training.***

- *Modify the training cost in participant's file to ensure revised training cost are allocated appropriately.*

WIB Fiscal Unit will contact the ETPL Provider and collect any outstanding training and/or tuition refund.

Procedure

WIB staff responsible for the ETPL Provider contracts management will obtain the designated ETPL Provider's standard policy regarding the amount of tuition that must be paid in advance to enroll or accept a participant. The TAG Section II-6-10 states that "unless specifically required as a condition of attendance, as in a tuition payment required before beginning a formal training course, payment should not be made in advance of the receipt of services." WIB staff will negotiate any advanced payments with the training provider in order to minimize out of pocket expense prior to the start of training.

WIB staff will also obtain and verify the refund policy of ETPL Providers for early termination of the participant from the training program to ensure the refund policy includes:

- ✓ *Percentage of the advanced payment to be returned upon non-completion of courses.*
- ✓ *Turnaround time of refund.*
- ✓ *Time spent in training before a refund will no longer be honored.*
- ✓ *Requirement for the ETPL Provider to notify WIB if a WIOA participant drops out of training program during the time period when tuition can be refunded.*

The tuition reimbursement agreements will be included as part of the ETPL Provider contracts to ensure prompt return of any unused WIOA funds for the early dropout of a participant. If services are no longer being rendered based on the ETPL providers refund policy in the ETLP Provider's contract, then a refund for the portion of services not received must be recovered. Failure to comply with this policy may result in an audit finding, and possibly removing ETLP provider from the list.

The ETPL Provider will ensure that individuals referred for training are offered the opportunity to apply for financial assistance under the Higher Education Act (HEA) of 1965, and any amendments thereto, such as PELL Grants and other financial assistance. ETPL Providers will provide the WIB with the names, amounts, and disposition of all grants received by the students attending WIOA funded training.

ACTION:

Bring this directive to the attention of all subrecipients, and ETPL providers of WIOA funded programs.

INQUIRIES:

Questions regarding this directive should be directed to the Workforce Investment Board at (559) 713-5200.

Adam Peck
Executive Director
AP:DM:bb:llg

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