

Workforce Innovation and Opportunity Act Title I-B and Washington’s Eligible Training Provider List Evaluation

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Workforce Innovation and Opportunity Act Policy

Grantees, subrecipients, and contractors funded under the Workforce Innovation and Opportunity Act, (WIOA) whether in whole or in part, must abide by the Workforce Innovation and Opportunity Act of 2014, the WIOA Regulations, all applicable Office of Management and Budget (OMB) Circulars, state regulations in laws and rules (Revised Code of Washington and Washington Administrative Code), Office of Financial Management (OFM) policies, and the Washington State WIOA Policies.

EFFECTIVE DATE: June 2, 2021

WIOA POLICY NUMBER: 5611

SUBJECT: Governor's Procedure for Determining Training Program Eligibility

Background

The following policy outlines the Governor's Procedure for determining the eligibility of Washington training programs to receive federal and state training dollars as part of the Workforce Innovation and Opportunity Act (P.L. 113-128) Title I-B, and to train dislocated workers receiving additional unemployment insurance benefits under the state's Training Benefits Program. Washington's Eligible Training Provider List, which includes programs that meet performance thresholds for completion, employment, and earnings, is maintained on the Workforce Board's public-facing Career Bridge website (www.careerbridge.wa.gov).

Local Workforce Development Councils are required to use the Governor's procedure. The procedure shall be used to determine eligibility beginning **June 2, 2021**.

The Procedure consists of three parts. Part I establishes state-required performance levels. Part II establishes the methodology and definitions of performance measures. Part III

establishes the processes for training provider application, data submission, denial of application, and appeals.

Required Policies

Part I. State Required Performance Levels

For a program to be eligible, it must meet or exceed certain performance levels.

A program must meet or exceed each of the following minimum performance floors:

- ▶ A completion rate of 30 percent
- ▶ An employment rate of 50 percent
- ▶ A median earnings level of \$5000 in a calendar quarter

Programs that fail to meet the eligibility requirements for quarterly earnings may still qualify by meeting the minimum median hourly wage—the midpoint for wages in Washington state.

- ▶ Minimum median hourly wage = \$13.70 per hour

Programs that meet or exceed each of the minimum performance thresholds are eligible for inclusion on the Eligible Training Provider List. If a program fails to meet the minimum performance floor on any measure, then the program's performance on each measure shall be adjusted by a mathematical regression model. That model takes into account the demographic characteristics of the program participants and one or more economic characteristics of the county or counties in which the program participants reside. If, after applying the adjustment models, a program meets or exceeds each of the minimum performance floors then the program shall be determined to have satisfied the state-required performance levels.

Local Workforce Development Councils (WDCs) may establish higher performance levels and/or additional eligibility criteria.

Part II. Methodology and Definitions of Performance Measures

Three measures are used to determine whether a program is eligible to be listed on the state's Eligible Training Provider List and able to receive funds under the Workforce Innovation and Opportunity Act (WIOA) and the state's Training Benefits Program.

These three performance measures are based on administrative records submitted to the Workforce Board and matched with other administrative records as appropriate. Additional supplemental data is accepted under certain conditions as specified in Appendix B.

Training providers must submit the necessary data elements to the Workforce Board to calculate a program's performance—to see whether a sufficient number of students completed a program, if they got a job, and how much they earned. Training providers are required to submit student-level records each year to enable Workforce Board staff to match data with wage records and independently evaluate program performance. Part III of this policy identifies the process for submitting data.

Workforce Board research staff evaluate the performance of education programs by assessing *all* student records—including those participating in WIOA Adult and Dislocated worker programs through WorkSource. WIOA participants are just a small portion of an education program's enrollment. To accurately assess employment and earnings outcomes, programs must provide all student records.

Definition of Terms

Program: One or more courses or classes, or a structured regimen, that upon completion leads to:

- ▶ An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the state or the federal government, an associate or baccalaureate degree;
- ▶ Employment; or
- ▶ Measurable skill gains toward a credential or employment.

Exiters: All participants in the program who left during the reporting period, no matter what the reason and regardless of their start date.

Reporting Period: 12 recent calendar quarters (three years).¹

Successful Completers: All exiters who successfully completed the program during the reporting period include:

- ▶ Those who have graduated with a degree or certificate from the program.²
- ▶ For community and technical colleges and private institutions, students who have transferred to a four-year institution, or students who have completed 45 vocational credits, with a C or above average and are employed.³

Minimum Requirement for Student Records: Records on 15 exiters from the applicable program or program category during the reporting period.

Grouping Data: Programs are assigned categories based on the federal Classification of Instructional Programs (CIP). The CIP categories are listed in Appendix A. The student records from individual training programs within a single school are combined based on their category, and evaluated as a group.

Programs with at least 15 usable student records are evaluated for their performance at the individual program level. Programs with fewer students are grouped with similar programs within the same school and are evaluated as a group. If a group does not have at least 15 usable student records, it is not evaluated for performance.

¹ The most recent 12 calendar quarters that allow for sufficient time for data analysis prior to eligibility determination.

² For community and technical colleges, these also include students whose exit status is Code 9, "earned a non-degree certificate award." For apprenticeships, these include those who the committees have designated as having completed their programs.

³ For institutions that do not use the same quarter credit system as the community and technical college system, the acceptable equivalent is at least 9 months of a program that takes 9 months or more to complete.

Completion Rate

1. Completion Rate: “information on the program completion rate for such participants.” (WIOA sec. 122(b)(2)(D))

State definition: The percentage of all exiters who successfully completed the program.

Calculation: The number of program *completers* during the reporting period divided by the number of *all* program *exiters* during the reporting period.

$$\frac{\text{\# successful completers of the applicable program during the reporting period}}{\text{\# exiters from the applicable program during the reporting period}}$$

Employment Rate

2. Employment Rate: “The percentage of program participants who are in unsubsidized employment.” (WIOA sec. 116(b)(2)(A))

State definition: The percentage of all program exiters who obtained unsubsidized employment.

Calculation: The number of program exiters during the reporting period with unsubsidized employment in the fourth quarter after exit divided by the number who exited the applicable program during the reporting period.

$$\frac{\text{\# exiters from the applicable program employed in the fourth quarter after exit}}{\text{\# exiters from the applicable program during the reporting period}}$$

Earnings Level

- 3. Earnings level: “The wages at placement in employment of all individuals participating in the applicable program.”**

State definition: The quarterly earnings of all program exiters with earnings in unsubsidized employment in the fourth quarter after exit.

Calculation: The median earnings of program exiters during the reporting period with reported earnings in the fourth quarter after exit. This measure is calculated for both total quarterly earnings and average hourly earnings for each exiter.

Appendix A to Part II

Program Categories

2-digit CIP	Title
01	Agriculture, Agriculture Operations, And Related Sciences
03	Natural Resources And Conservation
04	Architecture And Related Services
05	Area, Ethnic, Cultural, And Gender Studies
09	Communication, Journalism, And Related Programs
10	Communications Technologies/Technicians And Support Services
11	Computer And Information Sciences And Support Services
12	Personal And Culinary Services
13	Education
14	Engineering
15	Engineering Technologies/Technicians
16	Foreign Languages, Literatures, And Linguistics
19	Family And Consumer Sciences/Human Sciences
21	Technology Education/Industrial Arts
22	Legal Professions And Studies
23	English Language And Literature/Letters
24	Liberal Arts And Sciences, General Studies And Humanities
25	Library Science
26	Biological And Biomedical Sciences
27	Mathematics And Statistics
29	Military Technologies
30	Multi/Interdisciplinary Studies
31	Parks, Recreation, Leisure, And Fitness Studies
32	Basic Skills
33	Citizenship Activities
34	Health-Related Knowledge And Skills
35	Interpersonal And Social Skills
36	Leisure And Recreational Activities
37	Personal Awareness And Self-Improvement
38	Philosophy And Religious Studies
39	Theology And Religious Vocations
40	Physical Sciences
41	Science Technologies/Technicians

42	Psychology
43	Security And Protective Services
44	Public Administration And Social Service Professions
45	Social Sciences
46	Construction Trades
47	Mechanic And Repair Technologies/Technicians
48	Precision Production
49	Transportation And Materials Moving
50	Visual And Performing Arts
51	Health Professions And Related Clinical Sciences
52	Business, Management, Marketing, And Related Support Services
54	History
60	Residency Programs

Appendix B to Part II: Supplemental Data

Under certain conditions a training provider may submit supplemental data to the Workforce Board to determine the eligibility of the provider's program(s). Supplemental data refers to data that is in addition to administrative records used by the Workforce Board in calculating performance measures.

Employment

If a program fails to meet the required performance level based on administrative records, the provider may submit supplemental employment data to the Workforce Board to measure unsubsidized employment for performance measures. Supplemental data may consist of either (1) individual employment records that meet the standards of the provider's accrediting agency; or (2) a copy of a W-2 form, pay stub, or Internal Revenue Service 1099 form that documents employment during the time period in the measure. As a supplemental measure of unsubsidized employment or self-employment, a provider may submit survey responses that indicate an individual was employed or self-employed during the time period in the measure. A Workforce Development Council (WDC) may establish a local policy to accept other types of supplemental data for individual participants at its discretion.

Wages

If a training program fails to meet the required performance levels, the program may submit supplemental earnings data to the Workforce Board for the Employment Rate or Earnings Level measures for former participants who are self-employed.

The supplemental data may consist of survey responses that indicate an individual's earnings from self-employment during the time period in the measure, or a copy of a tax form submitted either to the Washington State Department of Revenue or to the U.S. Internal Revenue Service that shows earnings from self-employment during the year in which the fourth quarter post-exit occurs. For purposes of the measure(s), the gross earnings reported for the year will be divided by four to approximate quarterly earnings. A Workforce Development Council may establish a local policy to accept other types of supplemental data for individual participants at its discretion.

Part III. New Applications, Annual Renewal and Data Submittal, Denials of Eligibility and Appeal Processes

Section A. Procedures for approving ETPL program eligibility.

Application

A training provider who wishes to have one or more training programs evaluated for inclusion on the state ETP list must submit an application to the Workforce Board online at: www.careerbridge.wa.gov or on the Workforce Board's website at <https://www.wtb.wa.gov/> . Full application instructions are also available on the Career Bridge website.

Excluded Types of Training

Programs must be focused on occupational skill training to be eligible for inclusion on the state's ETP list. Programs are not allowed on the list if they are:

- ▶ Avocational training (for fun, recreation, or non-job-related).
- ▶ On-the-job training.
- ▶ Incumbent worker training: programs that exclusively train those who are already employed on behalf of their employers.
- ▶ Internships or mentorships with no classroom or online training component.
- ▶ Online training administered by a school located outside of Washington, unless listed on another state's ETP list.
- ▶ Subscription or membership fee-based self-paced training.
- ▶ Training that consists solely of a purchased CD or downloaded program for a fee and is self-paced.
- ▶ Intensive or short-term pre-vocational training that doesn't lead directly to a specific occupation.
- ▶ Preparation for exams
- ▶ Less than 8 hours.
- ▶ Not licensed or regulated by a state agency, except when approved by a local Workforce Development Council, explained under "Training provider types" (See next section).
- ▶ Does not train students for an in-demand occupation.

Training provider types

Types of schools with programs that can immediately be considered potentially eligible for Washington's ETP list:

- ▶ Public community or technical college.
- ▶ Public four-year college or university.
- ▶ Registered Apprenticeship program.
- ▶ Private vocational school licensed by the Workforce Board or by the Department of Licensing, or approved by the Washington Student Achievement Council or approved by the Federal Aviation Administration.
- ▶ Education institutions eligible to receive federal funds under Title IV of the Higher Education Act of 1965.

If a school does not fall in any of the training provider categories listed above, eligibility must be determined by the Workforce Development Council (WDC) in the area where the school is located. The Workforce Board will notify the appropriate WDC when it has received an online application from a school in this "other" category. In these special cases, it is the responsibility of the WDC to conduct a general review of the training provider's qualifications and notify the Workforce Board of its conclusions. Examples of elements that the WDC may consider in its review include: financial stability, quality of instruction and administrators, quality of the facilities and training equipment, curriculum, cost, rate of participant certification for a trade, job placement rates, wages, and completion rates.

Assurances form

All first-time applicants, with the exception of Registered Apprenticeship programs, are required to download, sign, and return an assurances form to the Workforce Board certifying the training provider:

- ▶ Is a legal entity, registered to do business in Washington.
- ▶ Has not been determined to be ineligible to receive federal funds.
- ▶ Does not discriminate against nor deny employment or services to any person on the grounds of race, color, religion, sex, national origin, age, handicap, citizenship, political affiliation or belief.
- ▶ Complies with the 1990 federal Americans with Disabilities Act (ADA).
[https://www.ada.gov/ada_intro.htm]
- ▶ Has demonstrated effectiveness in operating occupational training in classrooms or online program(s).

- ▶ Agrees that provider facilities, classroom instruction, relevant financial records, and attendance records may be reviewed during the period of performance of any voucher by state, federal and/or local monitors or auditors to ensure compliance with funding requirements.
- ▶ Delivers training that produces an industry-recognized credential.
- ▶ Has not been involved in criminal activity related to the school, programs, or students.
- ▶ Can identify the occupation that the program trains students for.

As part of the ETP list application process, training providers who are not apprenticeship programs must sign and return a second portion of the assurances form to the Workforce Board. This confirms that a school representative reviewed the data reporting requirements posted with application instructions and that the school agrees to provide the Workforce Board with required student records for all students trained in each of the programs identified in the ETP application, and in subsequent applications, to place additional programs on and remain on the list. The school must agree to submit the student records during the next reporting period. In addition, the training provider must agree to the posting of performance outcomes and cost information for each of their programs on the ETP list. This list is part of Washington’s popular, public-facing education and career platform, www.careerbridge.wa.gov. The Workforce Board will not consider the school’s ETP application to be complete until staff receives the signed assurance form. Forms are located on www.careerbridge.wa.gov as well as the agency’s website: www.wtb.wa.gov.

Returning to the ETPL

A program previously on the ETP list will not be treated as new or subject to the initial eligibility application process when re-applying, and instead will be evaluated under the annual renewal policy, including data submission requirements. The classification of a new or returning program will be at the discretion of Workforce Board staff.

Approval process

Workforce Board staff evaluate education programs for performance during an annual review cycle. All programs must meet performance standards each year for completion, employment, and earnings.

Out of state schools: The Workforce Board will not accept new applications from training providers whose training facility is located out of state. To be eligible, schools must have a permanent, physical location in Washington.

Arranging out of state training: It is the policy of the state to allow an eligible WIOA Title I-B Adult or Dislocated Worker to use an Individual Training Account (ITA) voucher to purchase training services offered by an out-of-state provider if it's listed on that state's ETP list and there is agreement between Washington and the respective state regarding ETP eligibility. Local policies may affect the terms of an individual training account plan and may be more restrictive concerning out-of-state ITAs.

Section B. Annual renewal for training programs on Washington's ETPL

Data Submittal

Each year, the Workforce Board collects and evaluates student data from all training programs on the state's Eligible Training Provider List. The State Board for Community and Technical Colleges (SBCTC) supplies participant data for Washington's 34 public community colleges and technical colleges through an established data-sharing agreement. One exception: non-credit certificate programs. Individual community and technical colleges must submit this data for evaluation directly to the Workforce Board through the agency's secure, encrypted Student Data Portal. The Department of Labor and Industries (L&I) supplies data for Washington's registered apprenticeship programs. The state's Education Research and Data Center (ERDC) supplies participant data for Washington's public four-year institutions, with the exception of certificate programs. These must be submitted directly by the four-year institution through the Workforce Board's secure, encrypted Student Data Portal. Private career schools licensed and regulated by the Workforce Board are required to submit data each year through the agency's Student Data Portal.

Reporting Requirements

Private career schools are required to report student data for all programs offered by their school. Community and Technical Colleges are required to report to the Workforce Board's Student Data Portal only non-credit certificate programs they want to be evaluated for ETPL eligibility. Data for the rest of their programs are collected through a data-sharing agreement and provided by the State Board for Community and Technical Colleges. Public four-year colleges are required to report any certificate program they want evaluated for ETP list-eligibility through the Workforce Board's Student Data Portal. Data for the rest of their programs are collected through a data-sharing agreement and provided by the state's Education Research and Data Center. Private four-year colleges are required to report all programs they want considered for inclusion on the ETPL.

Schools do *not* need to report students who are fully funded by the student's employer.

Schools are required to collect and report the following student information:

- ▶ Name
- ▶ Address
- ▶ Social Security Number
- ▶ Birthdate
- ▶ Demographic information including gender, race, prior education level, and disability and veteran status.
- ▶ Program-specific information including program start and exit date, enrollment status, and whether a student graduated, dropped/withdrew, or is still enrolled.

The program analysis includes employment and earnings outcomes if there are sufficient program participants.

Annual Evaluation

Registered Apprenticeship programs are automatically eligible once added to the state's Eligible Training Provider List [WIOA Sec. 122(a)(3)] and are not subject to Annual Renewal policies.

To be eligible for inclusion on the state's Eligible Training Provider List, training programs must meet required performance levels [WIOA Sec.122(b)(1)]. The data used to evaluate program performance come from state administrative records, (both participant records, and Unemployment Insurance wage records). In some cases, the Workforce Board will accept supplemental data from the training provider. See Parts I and II for the state policies on required performance levels, performance measures, minimum data requirements, and conditions when supplemental data may be accepted by the Workforce Board.

Performance evaluations are based on the most recent three years of student data that allow sufficient time for data analysis. Since employment and earnings outcomes are measured a year after exit, the most current year's data cannot be used for these measures. During a program's first year evaluation, only completion rate will be evaluated.

The Workforce Board compares a training program's completion rates, along with the employment rates and earnings of recent graduates, with state performance criteria to determine whether a training program meets state required performance levels. The Workforce Board informs the local Workforce Development Council (WDC) and the training provider of its determinations. Some smaller training programs may not have the minimum data required for the Workforce Board to evaluate performance. In those cases, the Workforce

Board will inform the training provider and WDC that the training program(s) will remain on the ETP list until minimum data is available to conduct the state’s performance review.

For a training program to be eligible for renewal on the ETPL, the program’s performance must be posted on www.careerbridge.wa.gov, the state’s career and education platform that provides a “consumer report card” for thousands of Washington’s postsecondary education programs. The same data restrictions that apply in determining program eligibility, can limit what is posted in the performance results area of Career Bridge. Employment rates typically do not capture self-employment. But when this data is collected through other methods, such as surveys and direct outreach, it will be included in total employment, whenever possible and applicable.

WIOA Sec.122(b)(3) allows WDCs to set higher performance levels than the level required by the state. A WDC adopting local standards that go beyond the state minimum criteria shall provide these local procedures to the Workforce Board.

Section C. Procedures for denying ETPL eligibility, removing a training program from the list, and appeals

Denial of Program Eligibility on the state’s Eligible Training Provider List

- a. Reasons for Denial
 - i. The Workforce Board shall deny eligibility if an applicant fails to meet the minimum criteria for eligibility as specified in Part III, Sec. A. of this policy.
 - ii. The Workforce Board in coordination with the appropriate Workforce Development Council, shall deny eligibility if an applicant fails to meet the minimum criteria for eligibility as specified in local WDC policy.
 - iii. The Workforce Board shall deny eligibility if the applicant fails to provide a complete application, including a signed assurances form.
 - iv. The WDC shall deny ETPL eligibility if the applicant intentionally supplied inaccurate information and shall deny ETPL eligibility to a provider who has substantially violated any WIOA requirements. Penalties are described in WIOA Sec.122(f)(1)(A).

- v. After conferring with the Workforce Board's Private Career School Licensing unit, the Workforce Board shall deny ETPL eligibility to any unlicensed private career school required by Washington state law to be licensed.

If a training provider's program is denied ETP list eligibility, Workforce Board staff will inform the provider of the reason(s) for the denial.

Removal of a Program from Washington's ETPL

- a. Reasons for removal include: not supplying required data, intentionally supplying inaccurate information, not allowing performance results to be publicly posted, operating in violation of state law, failure to meet state or local performance measures.

- i. The Workforce Board shall remove a program (or programs) from the ETP list if the provider fails to supply the Workforce Board with available participant data required for the performance review within due dates established by the Workforce Board.

Training providers unwilling to supply required and available participant data shall be informed by the Workforce Board, in writing with 30 days' notice, that their training program(s) will be removed from the state ETP list. Removals for this reason are not subject to formal appeal.

- ii. The Workforce Board shall remove a program if it is determined that the applicant intentionally supplied inaccurate information and shall deny ETPL eligibility to a provider who has substantially violated any WIOA requirements. Training providers shall be informed by the Workforce Board, in writing, that their training program(s) have been removed from the state ETP list. Removal for this reason is not subject to formal appeal.

- iii. The Workforce Board shall remove a program (or programs) from the ETP list if the provider is unwilling to allow program costs, and performance information about student completion rates, employment rates and earnings posted on www.CareerBridge.wa.gov, the state's career and education platform which provides performance results for thousands of education and training programs.. Training providers shall be informed by the Workforce Board, in writing, that their training program(s) have been removed from the state ETP list. Removal for this reason is not subject to formal appeal.

- iv. The Workforce Board shall remove a program (or programs) from the ETP list if the provider is operating in violation of the state's Private Vocational Schools Act or other Washington state laws and regulations. Training providers shall be informed by the Workforce Board, in writing, that their training program(s) have been removed from the state ETP list. Removal for this reason is not subject to appeal.
- v. If state or local required performance levels are not met, the program shall be removed. Removal procedures are described as follows:

At the point when the Workforce Board determines that a program will be removed from the ETP list due to not meeting minimum performance standards, the Workforce Board shall, within 30 calendar days of this decision, inform the provider in writing and include the reason(s) for the removal and complete information on the appeals process, if applicable. The Workforce Board must send a copy of this notice to the appropriate Workforce Development Council.

Programs deemed ineligible will remain on the list for at least 30 calendar days before they are removed, if subject to a formal appeal. If a training provider chooses to appeal, a training program that is subject to removal shall remain on the state ETP list until the appeal is concluded.

In support of the customer: WIOA participants can continue training

When a training program is removed from the state ETP list, WIOA participants currently enrolled in the program with the support of an Individual Training Program (ITA) may choose to complete their training (as outlined in their WIOA Individual Employment Plan).

Section D. Local area policy option

For programs that do not meet state-required performance levels, Workforce Development Councils (WDCs) may establish a local area policy to accept supplemental individual participant data from a training provider. Adopting such an option requires the WDC to inform an affected training provider that certain supplemental data will be accepted by the WDC and the required due date for the receipt of the data. After reviewing supplemental information supplied by the school, the WDC shall conclude that WIOA Sec.122(b) performance requirements were either met or not met. The WDC shall then notify the school and the Workforce Board of their conclusion. The local area is also required to have an appeals process in place and to notify the Workforce Board. Additionally, local areas have the option of adding

a localized cost-of-living adjustment process to account for regional differences in cost of living.

Procedures for Local Policy Appeals to the Workforce Board

- a. This procedure applies: (1) to a provider whose appeal was directly referred to the Workforce Board by the WDC; and (2) to a provider who has exhausted the appeal process of a WDC and is dissatisfied with the WDC's final decision.
 - i. A provider wishing to appeal to the Workforce Board must submit a written appeal request to the Workforce Board within 30 calendar days from when the denial or removal notice by the Workforce Board was issued., or in cases where the denial originated with the WDC, within 30 calendar days of the issuance by the WDC of its final decision on an appeal. The request for appeal must be in writing and include a statement of the desire to appeal, specification of the program in question, the reason for the appeal, and the signature of the appropriate training provider official.
 - ii. The Workforce Board must conduct a review within 30 calendar days from the date of receipt of the review request. The Workforce Board will determine:
 - (1) Whether the WDC followed its appeal procedure; and (2) whether the WDC's decision was reasonable, fair, and in keeping with the intent of WIOA. In appeal cases where the training program met state required performance levels but did not meet the WDC's performance standards, the Workforce Board will establish whether the WDC correctly followed its local performance procedures including, where applicable, its procedures for reviewing and accepting supplemental data provided by the appealing training provider. The decision rendered by the Workforce Board, on behalf of the Governor, shall be final.