
**Rules of
Department of Elementary and
Secondary Education**

**Division 60—Division of Vocational and Adult Education
Chapter 480—Employment Training**

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**Title 5—DEPARTMENT OF
ELEMENTARY AND SECONDARY
EDUCATION**

**Division 60—Vocational and Adult
Education**

Chapter 480—Employment Training

**5 CSR 60-480.100 Standards for the
Determination of Eligible Training Provid-
ers and Administration of Reimbursement
for the Education of Persons Under the
Workforce Investment Act of 1998 and
Other Employment Training Funding
Sources Contracting With the State Board
of Education**

PURPOSE: This rule establishes the criteria and procedures for the determination of eligible training providers under the Workforce Investment Act of 1998, any revisions or amendments to this Act, or replacement legislation.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) All references to the State Board of Education (the board) in this rule may be construed to include the program sections within the Department of Elementary and Secondary Education (the department) assigned responsibility for administration of the programs involved. The provisions of this section apply to the application and certification of eligible training providers.

(A) All interested providers of training must apply and be determined eligible to receive Workforce Investment Act funds. State approved procedures, entitled *Training Provider Certification*, which is incorporated by reference and made a part of this rule, will be followed in the determination of eligible training providers. Programs of training offered by eligible training providers must annually meet performance levels in order to remain on the state list. All approved training providers will be included on a state list. A copy of the *Training Provider Certification* document is available from the Employment Training Section, Division of Vocational and Adult Education, Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, MO 65102.

(B) Training providers will be required to annually provide performance information and program cost information as specified in the *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

(C) The department will annually review performance levels for programs approved under the state procedures. Programs that do not achieve these performance levels may lose their eligibility and be removed from the state list. Training providers can appeal a denial or termination of eligibility pursuant to the rules promulgated by the board and *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

(D) Public not-for-profit and/or for-profit institutions shall operate in compliance with the Workforce Investment Act; applicable federal and state laws and regulations; Division of Workforce Development issuances; and local ordinances.

(E) The institution shall permit on-site inspections by authorized representatives of the department; Missouri Division of Workforce Development; local workforce investment boards; Missouri Department of Higher Education; the United States Department of Labor; and/or any other state, federal or local agency as legally authorized to monitor activities for which funds have been provided.

(F) Good housekeeping must be maintained throughout the institution at all times.

(G) There shall be sufficient, qualified and capable personnel connected with the institution to ensure good administration, supervision and instruction.

(H) The charges for tuition, fees and/or other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies, equipment to be furnished and/or the operating costs of the institutions.

1. The institution shall establish and maintain a policy for the refund of the unused portion of tuition, fees and other charges in the event an eligible person fails to enter the course, withdraws or is discontinued at any time prior to completion.

(I) Appeal procedures for the denial or termination of eligibility.

1. Training providers shall have the right to appeal a denial of eligibility or termination of eligibility, pursuant to the rules promulgated by the board and the *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

A. An appeal must be submitted in writing to the department within forty-five

(45) days of the complainant being notified of a denial or termination of eligibility.

B. An Appeal Review Board will review the appeal and provide a written decision to the complainant within thirty (30) days after receipt of the appeal.

C. If the Appeal Review Board's decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request for a hearing to the department. A hearing will be conducted within thirty (30) days of receipt of the written request by representatives from the complainant, the Appeal Review Board and the local Workforce Investment region in which the complainant operates. A written decision shall be issued within fifteen (15) days following the hearing.

D. If this decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request to the department requesting a review by the Missouri Training and Employment Council (MTEC). MTEC or its designee shall review the appeal and issue a final decision within thirty (30) days from receipt of the request. The MTEC or its designee's decision is final.

(2) The provisions of this section apply to the administration of individual training account (ITA) referrals under the Workforce Investment Act and other funding sources contracting with the board for individual referrals.

(A) For the purpose of administering this rule, an ITA referral is a student referred by a state or local entity under contract with the department for skill training or training-related service for which the board has contracted to reimburse a public, not-for-profit or for-profit institution.

(B) The board shall enter into written agreements with public, not-for-profit and/or for-profit institutions for the purpose of administering ITAs and developing and providing procedures that assist in administering the program.

(C) Public not-for-profit and/or for-profit institutions shall operate in compliance with the Workforce Investment Act; applicable federal and state laws and regulations; Division of Workforce Development issuances; and local ordinances.

(D) An institution's tuition rate for a course(s) will be the basis for calculating reimbursement payments for an ITA.

1. Tuition payments shall be made on the basis of the school's instructional periods, (that is, quarters, terms or semesters). Institutions shall submit reimbursement requests for tuition payments of ITAs for each instructional period. However, the following exceptions shall apply:



A. Any instructional period that is at least twenty (20) weeks but no more than thirty-nine (39) weeks, will be treated as having a minimum of two (2) equal instructional periods;

B. Any instructional period that is at least forty (40) weeks but no more than fifty-nine (59) weeks, will be treated as three (3) equal instructional periods;

C. Courses with instructional periods that are at least sixty (60) weeks or more will be divided into additional segments of twenty (20) weeks; and/or

D. Institutions offering approved programs in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic; radiology and/or massage therapy may only request a one (1)-time reimbursement for an ITA.

2. Costs for equipment, fees and supplies are to be reimbursed separately as those costs are incurred. Registration fees are limited to a maximum of one hundred dollars (\$100) per student.

3. In case of a student termination, the refund policy of the institution shall apply to funds received from the board.

AUTHORITY: sections 178.430, 178.440, 178.450 and 178.460, RSMo 1994 and 178.530, RSMo Supp. 1999. Original rule filed July 7, 2000, effective Feb. 28, 2001.*

**Original authority: 178.430, RSMo 1963; 178.440, RSMo 1963; 178.450, RSMo 1963, amended 1991; 178.460, RSMo 1963; 178.530, RSMo 1963, amended 1977, 1991, 1995.*