

**Nevada Department of Employment, Training and Rehabilitation
Employment Security Division
Workforce Innovation Support Services**

**Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 3.12

Originating Office: Department of Employment, Training and Rehabilitation (DETR); Workforce Innovation Support Services (WISS)

Subject: Recovery of Tuition and Training Refunds

Approved: Governor’s Workforce Development Board Executive Committee May 15, 2024; Replacing 2005 Workforce Investment Act (WIA) Tuition and Training Refunds

Purpose: In accordance with WIOA Final Rule this policy provides guidance and establishes the procedures regarding the recovery of WIOA tuition and training refunds. This policy applies to all subrecipients and service providers.

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in *bold, italicized* type.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), WIOA Final Rule Section 134 (c)(3)(F)(i)-(iv) and 185 (c)(3), 20 CFR §§ 680.230, 680.300, 683.410(a), 2 CFR § 200, 2 CFR Part 2900 and SCP 1.13.

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB board members and any other concerned parties. Any local boards’ policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background: According to WIOA regulation, 20 CFR § 683.410 (a)(1) 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 to determine expenditures have been made against the cost categories and within the cost limitations specified in WIOA and the corresponding regulations.

Policy and Procedure:

Recovery of WIOA Tuition and Training Refunds

The LWDBs must ensure that each of their service providers is aware of their role and responsibility for recovery of WIOA tuition and training refunds. (See SCP 1.13 Enforcement, Repayment)

When a client drops a class or is dropped from a class, the subrecipient must verify with the training provider if the subrecipient is eligible for a refund based on the refund policy of the training provider. If the training provider does not have written policies applicable to all students, funds must be returned on a prorated basis.

The subrecipient must have timely communication between the case manager and financial staff concerning clients that have dropped classes. They must ensure the prompt return of any refund due.

Failure to recover these costs will result in an audit finding and disallowed costs which must be reimbursed to the state using non-Federal funds.

Advance Payments

The LWDBs must ensure their subrecipients obtain the designated training provider's standard policy regarding the amount of tuition that must be paid in advance to enroll or accept a client. If the training provider does not have written policies applicable to all students, no advance payment will be authorized.

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.

Service providers should negotiate any advanced payments with the training provider to minimize out-of-pocket expenses prior to the start of training.