



APPROVED ETLWDB CHAIR:

SUBJECT: ELIGIBLE TRAINING PROVIDER LIST

POLICY STATEMENT:

Introduction: This policy provides information and direction the eligible training provider program, including processes, procedures, and requirements governing contractor eligibility, application, appeals, list maintenance, and reporting. This policy builds upon and enhances the Tennessee Department of Labor and Workforce Development Strategic Plan.

Purpose: The East Tennessee Local Workforce Development Board (ETLWDB) aims to 1) maximize customer choice, 2) assure that all significant population groups are served and 3) ensure a wide variety of training programs and occupational choices. Eligible participants use the Eligible Training Provider List (ETPL) in order to promote an informed choice and to support increased performance accountability. Only those programs that are approved and listed on the State's ETPL are eligible for referral and enrollment of a WIOA Title I participant.

Process:

1. Eligible Training Provider Process

- A. Becoming a WIOA Title I Provider—Training providers shall follow the steps below for placement on the State of Tennessee approved ETPL list:
- 1) Prospective eligible training providers must submit initial eligibility criteria including,
 - a) listing of training services to be provided,
 - b) information addressing training alignment with high-demand industry sections and occupations,
 - c) performance and cost information, and
 - d) annually met performance levels on specified performance measures
 - 2) The Local Workforce Development Board (LWDB) may require higher levels on specified performance measures or may require additional measures and corresponding levels. Once approved by the LWDB, staff to the board will inform the State to add the training provider to the ETPL.
 - 3) The LWDB may choose not to fund certain categories of training programs based on, but not limited to, any or all the following reasons:
 - a) lack of occupational demand in the ETLWDA,
 - b) high tuition costs in comparison to comparable programs,
 - c) lack of a livable wage upon program completion, and/or
 - d) academic program performance does not meet acceptable thresholds determined by the ETLWDB.
- B. Training provider eligibility—to be eligible to receive WIOA Title I training funds through Individual Training Accounts (ITAs), the training provider **shall meet one of the following requirements**. The ETLWDB will approve only
- 1) A postsecondary educational institution that is not only eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) but also provides a program that leads to an associate degree, baccalaureate degree, or industry-recognized certificate,
 - 2) An entity that offers programs under the National Apprenticeship Act of 16 August 1937; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.

- 3) Another public or private provider of a program of training services for the general public or specialized training for customer populations that face multiple barriers to employment such as providers directly associated with the Division of Rehabilitation Services, TN Department of Human Services. These populations include the following categories: low-income individuals with barriers to employment and people with disabilities.
- 4) Another public or private provider with demonstrated effectiveness providing training to a population that faces multiple barriers to employment. These populations include
 - 1) displaced homemakers;
 - 2) low-income individuals;
 - 3) Indians, Alaska Natives, and native Hawaiians, as such terms are defined in § 166;
 - 4) individuals with disabilities, including youth who are individuals with disabilities;
 - 5) older individuals;
 - 6) ex-offenders;
 - 7) homeless individuals (as defined in § 41403(6) of the Violence against Women Act of 1994 (42 U.S.C. 14043e-2(6) as amended in 2013), or homeless children and youth (H.R. 803-10 defined in § 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2) and § 721));
 - 8) youth who are in or have aged out of the foster care system;
 - 9) individuals who are English language learners, including individuals who have low levels of literacy, and individuals facing substantial cultural barriers;
 - 10) eligible migrant and seasonal farm workers, as defined in WIOA § 167(i), and services to other low-income individuals;
 - 11) individuals within two years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.);
 - 12) single parents (including single pregnant women);
 - 13) long-term unemployed individual; and/or
 - 14) other groups the Governor determines to have barriers to employment (WIOA § 133[c][3][E]).
- 5) A provider offering a program of training in which
 - 1) One or more courses or classes, that, upon satisfactory completion, leads to an industry-recognized certificate, an Associate degree, a Baccalaureate degree, or a competency or skill recognized by employers; or
 - 2) A training regimen leads to competitive integrated employment for individuals with disabilities that provides individuals with additional occupational skills or competencies generally recognized by employers.

C. Registered Apprenticeship Programs Eligibility

- 1) Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because such programs have gone through a detailed application and vetting procedure to become a Registered Apprenticeship program sponsored by the United States Department of Labor.
- 2) In collaboration with the State Director of Apprenticeship, the State will contact all current program sponsors in order to elicit interest in being part of the ETPL. The goal is to place as many Registered Apprenticeship programs on the ETPL as possible.
- 3) Registered Apprenticeship programs are exempt from performance and reporting requirements in order to enable these evidence-based programs to be placed on the ETPL with minimum burden.
- 4) Registered Apprenticeship programs with openings for new apprentices will automatically be considered a statewide demand occupation to facilitate WIOA funding support as appropriate.

- 5) A Registered Apprenticeship program on the ETPL will be automatically eligible for every local ETPL in the State.
- 6) The only criterion that applies to an apprenticeship program is that it be registered as an apprenticeship program with the U.S. Department of Labor.

2. Initial Eligibility and Application Process

- A. Initial Eligibility: All training providers are required to complete the online application and follow all guidelines and requirements of State Workforce Services Policy 16-9 in order to be included on the statewide eligible training provider list. Providers must provide quarterly performance as outlined in State Policy 16-9. The online application is reviewed by the ETLWDB to make the final determination about placement onto the ETPL.
- B. ETPL Application Process for All Prospective Eligible Training Providers except Registered Apprenticeship Programs:
 - 1) Applications for initial eligibility must be initiated by the training provider by completing the online *New Provider Application* (WIOA § 122[b][4][C]-[E]).
 - 2) The online application is first submitted to the ETLWDB for verification of completeness.
 - 3) The ETLWDB must verify that the training provider is in compliance with all Tennessee regulations pertaining to training authorization.
 - 4) In addition, the ETLWDB is required to verify that all of the required data elements for the ETPL training provider are complete before the application is submitted for consideration.
 - a) If the training provider is not compliant or the application is incomplete, the ETLWDB must notify the training provider within fifteen (15) days of receiving the application;
 - b) If the training provider is compliant, and its application is complete, the ETLWDB must review the application within five (5) days of receiving the application; and
 - c) The ETLWDB cannot send WIOA customers to new training providers until the provider is approved by the ETLWDB and the Tennessee Department of Labor and Workforce Development has been notified of the approval of the new provider.
 - 5) The ETLWDB will ensure that the training provider meets local eligibility criteria and then vote to decide if the provider and the associated programs will be added to the LWDA ETPL.
 - 6) Training providers must comply with reasonable requests by the ETLWDB for additional, relevant supplemental information to assist in the initial eligibility determination.
 - 7) Applications must be presented in the time and manner determined by the ETLWDB. New training provider program application(s) may be submitted on any day of the year.
 - 8) After the ETLWDB, or the ETLWDB Executive Committee, votes on the training provider's application, a written notification must be submitted by the ETLWDB to the Tennessee Department of Labor and Workforce Development within thirty (30) days of the decision to add or deny the training provider placement on the ETPL.
- C. Out-of-State Providers, except Registered Apprenticeships
 - 1) Reciprocal Agreements (WIOA § 122(g)). ETLWDB can send a Tennessee WIOA participant to a provider located in a different state given that the training provider appears on the other state's ETPL.
 - 2) The ETLWDB will only approve training providers within the ETLWDA sixteen-county region and the provider must maintain a bricks and mortar structure for delivery of training with the ETLWDA.
 - 3) Reciprocal Agreements are subject to the following guidelines:
 - If the ETLWDB utilizes a training provider that does not appear on the Tennessee ETPL, it is the responsibility of the ETLWDB to track and report the necessary performance information needed for subsequent eligibility determinations. To fulfill this obligation, the ETLWDB must ensure that

verification of enrollment, completion, and subsequent placement of customers in unsubsidized employment are recorded in the State-approved performance tracking system.

3. Provider appeal of a denial for inclusion on the ETPL:

- A. If the ETLWDB, or its Executive Committee, denies a training provider's initial application for listing on the ETPL, the ETLWDB must, within thirty (30) days from the date of determination, inform the training provider in writing, with delivery via email or certified United State postage. The notification shall include, at minimum, the action taken by the ETLWDB, detailed reason(s) for the denial, and complete information about the appeals process.
- B. Reasons for Denial of Application for Initial Eligibility—the ETLWDB may deny eligibility if the
 - 1) application from a training provider is not complete or not submitted within the required time frame,
 - 2) applicant fails to meet the minimum criteria for initial listing specified in this policy (WIOA § 122(c)(1)),
 - 3) training programs offered by the training provider do not lead to gainful employment in high demand occupations as determined by the ETLWDB,
 - 4) training program demographics (i.e., costs and length) are substantially higher (beyond +50%) than previously approved programs offering the same credential (within the most recent two program years),
 - 5) applicant is determined to have intentionally or unintentionally supplied inaccurate information (WIOA § 122(f)(1)(A)), and/or,
 - 6) training provider has been found to have substantially violated any WIOA requirements (WIOA § 122(f)(1)(B)).
- C. Appeals to the LWDB (WIOA § 122(c)(1))
 - 1) This procedure applies to appeals to the ETLWDB by training providers based on the denial of a provider's application for initial listing on the ETPL.
 - a) A training provider wishing to appeal a decision by the ETLWDB must submit an appeal to the Operator within thirty (30) days of the issuance of the denial notice. The appeal must be in writing and include a statement of the desire to appeal, identification of the training program(s) in question, reason(s) for the appeal (i.e., grounds), and the signature of the appropriate proper official.
 - b) The ETLWDB appeal process must grant the training provider the opportunity to address directly the reasons for denial and do it either in writing or through an appeal hearing.
 - c) The ETLWDB will engage no less than one (1) and no more than three (3) impartial appeals officers who are responsible for re-evaluating the supplemental materials supplied by the training provider in addressing the initial reason(s) for denial. An impartial appeals officer may be any Board or Board staff member uninvolved in the initial decision.
 - d) The ETLWDB will notify the training provider of the final decision made by the ETLWDB on an appeal within thirty (30) days of receipt of the appeal determination.
 - e) The ETLWDB appeal notification to the training provider will reference the process for filing an appeal with the Tennessee Department of Labor and Workforce Development in the event the training provider is not satisfied with the outcome of the local appeal process.
- D. Appeals to the State (WIOA § 122(c)(1))

Training providers who have exhausted the appeal process with the ETLWDB and who are dissatisfied with ETLWDB's final decision may submit a request for appeal to the Tennessee Department of Labor and Workforce Development within thirty (30) days from the ETLWDB's notification to the training provider of its final decision on an appeal. The request for an appeal to TDLWD must be in writing and include a statement

of the desire to appeal, identification of the program(s) in question, reason(s) for the appeal (i.e., grounds), and the signature of the appropriate provider official. See WIOA policy 16-9 for guidance.

4. Dissemination of the ETPL

A. Statewide Dissemination and Customer Access

- 1) The ETLWDB is responsible for ensuring that all AJC appropriate staff members in the ETLWDA have access to the ETPL and are knowledgeable about utilizing the ETPL. The Operator is also to ensure local access to the ETPL for customers within the American Job Centers (WIOA § 122(d)(1)).
- 2) The ETLWDB is responsible for ensuring that all American Job Center staff whose duties involve counseling and enrolling customers in training do not enroll customers in programs that are not listed on the ETPL.

5. Program Changes

A. Adding New Programs (Previously Approved Providers)

- 1) An eligible training provider must use the online Web application to begin the process of consideration of a new program for placement on the ETPL.
- 2) The application materials are received electronically by the Operator and reviewed for completeness.
 - a. All new programs must have prior authorization by the appropriate State authorizing agency (Tennessee Higher Education Commission, Tennessee Board of Regents, etc.) before they can be added to the ETPL.
3. After verification of completeness, the application materials are forwarded to the ETLWDB, or its Executive Committee, for a vote on whether to add the program to the ETLWDA ETPL.
4. After the ETLWDB, or its Executive Committee, has rendered its vote, the decision is communicated in writing to the TDLWD by the ETLWDB.
5. All approvals from the ETLWDB are added to the ETPL by TDLWD according to its schedule.

B. Adding New Registered Apprenticeship Programs

- a. Registered Apprenticeship sponsors that wish to add new programs to the ETPL must indicate interest in being included on the ETPL and must use the online Web application to submit program(s).

6. Performance Data (Registered Apprenticeship Programs are excluded.)

A. Provider Quarterly Report Requirements

- 1) Eligible training providers must provide the information necessary to determine program performance and to meet other requirements of the WIOA. The eligible training provider must agree to make available verifiable data to validate any information submitted (WIOA § 122(d)(1)).
- 2) Eligible training providers on the ETPL are required to submit quarterly performance reports to the TDLWD. The report must contain participant-level data for all customers in programs offered by the eligible training provider who have serviced at least one customer with the assistance of WIOA funding.
- 3) The reports are due to the TDLWD on the specified due dates that follow:
 - a) Quarterly report due dates: 15 January, 15 April, 15 July, and 15 October every year. In the event the due date falls on a State holiday or weekend, reports are due by the conclusion of the next business day.

7. ETPL Penalties

A. Suspensions from the ETPL

1. Eligible training providers may be suspended from the ETPL for any of the following actions:
 - a) failure to submit quarterly performance reports or the exemption claim sheet by deadlines,
 - b) failure to keep current the eligible training provider and program demographic information displayed on the ETPL,
 - c) failure to respond to a TDLWD request for a data validation visit,
 - d) poor performance during a data validation visit,
 - e) failure to submit by the specified time corrections needed following quarterly report validation, and
 - f) failure to comply with TDLWD request for information.
2. During any TDLWD or Federal criminal investigation launched against the institution or key personnel at the institution, the eligible training provider may be removed from the ETPL until a final resolution is reached. Depending on the final resolution, the provider may be permanently removed from the ETPL.

B. Financial Reimbursement

An eligible training provider whose eligibility is terminated as a result of the reasons specified in above Section 7A shall be liable for repayment of all funds received during any period of noncompliance (WIOA § 122(f)(1)(C)).

Contact: For questions regarding this policy, please contact the East Tennessee Human Resource Agency Workforce Services Division manager of Performance and Information.