STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Workforce Services Policy –Eligible Training Provider List TN-WIOA (16-19)

Effective Date: November 18, 2016, Revised: November 17, 2017
Duration: Indefinite

Subject:
Eligible Training Provider List (ETPL)

Purpose:
This policy provides information and direction for the Eligible Training Provider process, eligibility, application procedures, the appeal process, dissemination of the list, and reporting requirements. This policy also builds upon and enhances the Tennessee Department of Labor and Workforce Development's Combined Strategic Plan.

Scope:
Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Education (TDOE), Tennessee Eligible Training Providers List (ETPL), Department of Human Services (TDHS), Tennessee Department of State (TDS), Adult Education (AE), Rehabilitation Services (RS), Office of Registered Apprenticeship (RA), State Workforce Development Board (SWDB), Division of Workforce Services (WFS), Regional Council (RC), American Job Center (AJC), American Job Center Operator (AJC Operator), American Job Center Access Point (AJC Access Point), Workforce Innovation and Opportunity Act (WIOA), Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs), other Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners).

References:
20 CFR 663.530; 20 CFR 680.490; 20 CFR 683.630(b); TEGL 41-14; WIOA Section 107(g)(1); WIOA Section 166(b); WIOA Section 167(i); WIOA Section 122(b)(1)(A); WIOA Section 122(b)(1)(E); WIOA Section 122(b)(2); WIOA Section 122(b)(2)-(b)(4)(D); WIOA Section 122(b)(4)(C)-(E); WIOA Section 122(c)(1); WIOA Section 122(c)(2); WIOA Section 122(d); WIOA Sections 122(d)(1) and (d)(3); WIOA Section 122(f)(1)(C); WIOA Section 122(g); WIOA Section 122(f)(1)(B); WIOA Section 134(c)(3)(E)

Action:
In order to maximize customer choice and assure that all significant population groups are served, an Eligible Training Provider process must assure that significant numbers of competent Eligible Training Providers (ETPs), offering a wide variety of training programs and occupational choices, are available to customers. Eligible participants who need training use the Eligible Training Provider List (ETPL) to make an informed choice. In this way, the ETPL helps to provide consumer choice, while also supporting increased performance accountability. Only those programs that are approved/listed on the State's ETPL are eligible for referral and enrollment of a Workforce Innovation and Opportunity Act (WIOA) customer.

I. Eligible Training Provider Access:

A. How to Apply to Become an Eligible Training Provider:

The following are the steps for ETPL placement in the State of Tennessee:

i. The State will develop the procedures and a system for disseminating the ETPL (WIOA Sections 122[d][1] and [d][3]) and the Local Workforce Development Board (LWDB) must make these procedures available to ETPs.

ii. Prospective ETPs must submit initial eligibility criteria including: training services to be offered, information addressing alignment of the training services with in-demand industry sectors and occupations to the extent possible, performance and cost information, and annually met performance levels on specified performance measures as required.

iii. Minimum performance levels are established by the State. The LWDB may require higher levels on specified performance measures or may require additional measures and corresponding levels.

iv. The State receives the information on approved ETPs by LWDBs. The State then compiles a single list (the ETPL) and disseminates the ETPL with performance and cost information to the LWDBs.

v. Participants utilizing an Individual Training Account (ITA) must have the opportunity to select any of the approved ETPs and programs on the ETPL (WIOA Section 122[d]).

a. While participants can select from the complete ETPL, State and LWDB policies determine the funding amounts for each program. Thus, the LWDB may choose not to fund certain categories of

training programs based on, but not limited to, the following reasons:

- Lack of occupational demand for the LWDA
- High tuition cost in comparison to comparable programs
- Lack of a livable wage upon program completion

B. Training Provider Eligibility (TEGL 41-14):

To be eligible to receive funds, the training provider must meet at least one of the following requirements:

i. A postsecondary educational institution that is eligible to receive Federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.) and provides a program that leads to an associate degree, baccalaureate degree, or certificate.

ii. An entity that carries out programs under the National Apprenticeship Act of August 16, 1937; 50 Stat. 664, Chapter 663; 29 U.S.C. 50 et. seq.

iii. Another public or private provider of a program of training services for the general public or specialized training for participant 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.

iv. LWDBs if they meet the conditions of WIOA Section 107(g)(1)

v. Another public or private provider with demonstrated effectiveness providing training to a population that faces multiple barriers to employment. These populations include:

   a. Displaced homemakers
   b. Low-income individuals
   c. Indians, Alaskan natives, and native Hawaiians, as such terms are defined in WIOA Section 166(b)
   d. Individuals with disabilities, including youth who are individuals with disabilities
   e. Older individuals
   f. Ex-offenders
   g. Homeless individuals (as defined in Section 41403(6) of the Violence Against Women Act of 1994 [42 U.S.C. 1404e-2(6) as amended in 2013]); or homeless children and youths (as H.R. 803—10 defined in Section 725[2] of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a[2] and Section 721).
   h. Youth who are in or have aged out of the foster care system
   i. Individuals who are English language learners, including individuals who have low levels of literacy and individuals facing substantial cultural barriers

j. Eligible migrant farmworkers, as defined in WIOA Section 167(i), and services to other low-income individuals
k. Individuals within two (2) years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et. seq.)
l. Single parents (including single pregnant women)
m. Long-term unemployed individuals
n. Other groups the Governor determines to have barriers to employment (WIOA Section 134[c][3][E])

C. Program of Training:

A program of training services should consist of one (1) of the following:

i. One (1) or more courses or classes that, upon successful completion, leads to a certificate, an associate degree, or baccalaureate degree, or a competency or skill recognized by employers;
ii. A training regimen that leads to competitive integrated employment for individuals with disabilities that provides individuals with additional occupational skills or competencies generally recognized by employers; or
iii. Identical programs offered in different locations by the same training provider must be considered as one program, and will not require separate applications unless the regulatory agency uses location as a factor in defining a unique program.

D. ETPL Exceptions:

The following training activities are exempt from utilizing the ETPL process.

i. On-the-Job training and Customized Training (as defined by WIOA)
    a. Skill enhancement and workplace literacy are considered to be short-term prevocational and, therefore, are not defined as training services for the purposes of this policy.
    b. Short-term prevocational services are not tied to a specific occupation and include course-like services such as Literacy and Adult Basic Education, Workplace Literacy, introductory computer classes, as well as development of learning skills, communication skills, interviewing skills, punctuality training, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.
    c. Community-based organizations and other private organizations providing training.

E. Registered Apprenticeship Programs (TEGL 41-14):

i. Registered Apprenticeship programs are not subject to the same application, performance information requirements, or period of initial

eligibility procedures as other providers because such programs have gone through a detailed application and vetting procedure to become Registered Apprenticeship programs, sponsored by the United States Department of Labor.

ii. In collaboration with the State Director of Apprenticeship, the State will contact all current program sponsors at the time of this writing to elicit their interest in being part of the ETPL. The goal is to place as many Registered Apprenticeship programs on the ETPL as possible.

iii. In collaboration with the State Director of Apprenticeship, the State will ascertain at least every two (2) years those ETPs that have lost their registration status.

iv. The State will work in collaboration with the State Director of Apprenticeship to develop a simplified process for new Registered Apprenticeship programs to become part of the ETPL.

v. Minimal information is required for Registered Apprenticeship programs for ETPL placement. The information required is outlined below:

    a. Occupation(s) included within the registered apprenticeship program,
    b. Name and address of the Registered Apprenticeship program sponsor,
    c. Name and address of the provider of related instruction, including location of instruction if different from program sponsor's address,
    d. Method and length of instruction, and
    e. Number of active apprentices

vi. Program sponsors that do not provide the related instruction component of a Registered Apprenticeship program may be required to provide additional information about their education provider, including the cost of instruction. This is the only time that cost information will be required for Registered Apprenticeship programs.

vii. Registered Apprenticeship programs are exempt from performance and reporting-related requirements in order to enable these evidence-based programs to be placed on the ETPL with minimum burden.

viii. Registered Apprenticeship programs with openings for new apprentices will automatically be considered a statewide demand occupation to facilitate WIOA funding support as appropriate.

ix. A Registered Apprenticeship program on the ETPL will be available to every Local Workforce Development Area (LWDA) in the State.

x. The only criterion that applies to apprenticeships is that they be registered as apprenticeship programs with the U.S. Department of Labor.

II. Initial Eligibility and Application Procedures

A. Initial Eligibility:

i. All training providers are required to complete the outline application in order to be included on the statewide ETPL. The online application is reviewed by the LWDB to make the determination about placement onto the ETPL. After the LWDB votes to add the provider/program to the ETPL, it is then sent to the State for final review.

B. ETPL Application Procedure for All Prospective Eligible Training Providers Except Registered Apprenticeship Programs:

i. Applications for initial eligibility must be initiated by the training provider by completing an online New Provider Application (WIOA Section 122[b][4][C]-[E])

ii. The online application is first submitted to the LWDB for verification of completeness.

iii. The LWDB must verify that the training provider is in compliance with all Tennessee regulations pertaining to training authorization.

iv. In addition, the LWDB is required to verify that all of the required data elements for the ETP are complete before the applications are submitted for consideration.

   a. If the ETP is not compliant or the application is incomplete, the LWDB must notify the training provider within fifteen (15) days of receiving the application and prepare the application to be reviewed at the next LWDB meeting.

   b. If the ETP is compliant and its application is complete, the LWDB must review the application within five (5) days of receiving the necessary information.

   c. The LWDB cannot send WIOA participants to new training providers until they are approved by a LWDB and the State office has been notified of the approval of the new provider.

v. The LWDB will ensure that the ETP meets their local eligibility criteria and then will vote to decide if the ETP and the associated programs will be added to the ETPL.

vi. ETPs must supply any supplemental information requested by the LWDB to assist in the initial eligibility decision.

vii. Applications must be presented in the time and manner determined by the LWDB, i.e. some LWDBs may require a formal presentation before voting on the training provider and the associated programs. New training provider program applications may be submitted on any day of the year.

viii. After the LWDB votes on the ETP's application, a written notification must be submitted to the State 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 Apprenticeship Programs:

i. ETPs that are headquartered outside of Tennessee who do not have in-state training facilities may apply to any LWDB where they wish to provide services. Applications must include all information required by these policies.

ii. Reciprocal Agreements (WIOA Section 122[g]). Local Workforce Development Board 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.

iii. Reciprocal Agreements are subject to the following guidelines:

a. Use of an out-of-state provider as part of a reciprocal agreement does not assure the ETP placement on the Tennessee ETPL.

b. If the ETP wants to appear on the Tennessee TEPL, it must complete the process for becoming an approved Tennessee ETP.

c. If the LWDB utilizes a training provider that does not appear on the Tennessee ETPL, it is the responsibility of the LWDB to track and report the necessary performance information needed for subsequent eligibility determinations. To fulfill this obligation, the LWDB must ensure that verification of enrollment, completion, and subsequent placement for ETPs are recorded in the State performance tracking system (currently Virtual One-Stop Data Management Tracking System [VOS]).

D. Out-of-Area Providers, Except Registered Apprenticeship Programs:

i. If an ETP has a physical presence in the State, its ETPL application must be submitted to the LWDB covering the area where that training provider is headquartered or has its main campus.

ii. Any LWDB can approve a satellite site for a training program so long as that training provider and program have been first approved by the LWDB in which the provider is headquartered.

iii. Local Workforce Development Boards can approve training providers for the State ETPL when the training provider does not have a permanent training structure anywhere in Tennessee; in such a case, such providers are treated as out-of-state training providers.

III. Appeal of Local Workforce Development Board Denial:

A. Provider Application Denial:

i. If a LWDB denies an ETP's initial application for listing on the ETPL, the LWDB must, within thirty (30) days from the date of determination, inform the ETP in writing, including the detailed reason(s) for the denial and complete information on the appeal process.

B. Reasons for Denial of Application for Initial Eligibility:

i. The LWDB or the State may deny eligibility if the application from an ETP is not complete or not submitted within required time frame.

ii. The LWDB or the State may deny eligibility if an applicant fails to meet the minimum criteria for initial listing specified in this policy (WIOA Section 122[c][1]).

iii. The LWDB may deny eligibility if the training programs offered by the ETP do not lead to gainful employment in in-demand occupations as determined by a labor market analysis.

iv. The LWDB may deny eligibility if the training program demographics (i.e. cost and length) are substantially higher (beyond fifty percent [50%]) than previously approved programs offering the same credential (within the past two [2] program years).

v. The LWDB or the State may deny eligibility if it is determined that the applicant intentionally supplied inaccurate information (WIOA Section 122[f][1][B]).

vi. The LWDB or the State may deny eligibility to a training provider who has been found to have substantially violated any WIOA requirements (WIOA Section 122[f][1][B]).

C. Appeals to the Local Workforce Development Board (WIOA Section 122[c][1]):

i. This procedure applies to appeals by ETPs to the LWDBs based on the denial of a ETP's application for the initial listing on the ETPL. The LWDB must establish an appeal procedure for providers of training to appeal a denial of eligibility that meets the requirements of 20 CFR 683.630(b). The LWDB must have a written appeal process that includes the following provisions:

a. A training provider wishing to appeal a decision by the LWDB must submit an appeal to the LWDB 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, specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.

b. The LWDB appeal process must grant the training provider the opportunity to directly address the reasons for their denial and do it either in writing or through an appeal hearing.

c. The LWDB must have one to three (1-3) impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the ETP in addressing the initial reasons for denial. An impartial appeal officer may be any staff member uninvolved in the initial designation.

d. The LWDB will notify the ETP of the final decision made by the LWDB on an appeal within thirty (30) days of receipt of the appeal.
e. The LWDB appeal notification to the ETP must reference the process for filing a State appeal in the event that the ETP is not satisfied with the outcome of the local appeal.

D. Appeals to the State (WIOA Section 122[c][1]):

This procedure applies only to ETPs who have exhausted the appeal process of a LWDB and are dissatisfied with the LWDB's final decision.

i. A training provider wanting to appeal to the State must submit an appeal request to the State within thirty (30) days from the LWDB's notification to the training provider of its final decision on an appeal. The request for an appeal to the State must be in writing and include a statement of the desire to appeal, specifications of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.
ii. The State will promptly notify the appropriate LWDB when it receives a request for appeal. The State will also notify the appropriate LWDB when it makes the final decision on an appeal.
iii. The State appeal process includes the opportunity for the appealing ETP to have a hearing. The hearing officer must be impartial. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days before the scheduled hearing. Both parties must have the opportunity to: present oral and written testimony under oath, to call and question witnesses, to present oral and written arguments, to request documents relevant to the issue(s), and to be represented.
iv. The five-member State appeals committee, chaired by the hearing officer, will administratively review the appeal, make a preliminary decision, and notify the ETP and the LWDB. The committee may either uphold or reverse the LWDB decision.
v. The State appeals committee must render a decision within sixty (60) days from receiving the training provider's initial state-appeal request.

IV. Dissemination of the ETPL:

A. Statewide Dissemination and Customer Access:

i. The State will ensure that the ETPL is accurate and current. The State must ensure that the updated list is available to all LWDBs (WIOA Section 122[d][1]) and to the general public through the State website wherever internet service is available.

ii. The LWDB is responsible for ensuring that all American Job Center (AJC) staff members in the respective LWDAs have access to the ETPL, and are knowledgeable about utilizing the ETPL; the LWDB is also to ensure local access to the ETPL for customers within the AJCs (WIOA Section 122[d][1]).

iii. The Local Workforce Development Board is responsible for ensuring that all American Job Center staff in the respective LWDAs do not allow WIOA participants to enroll in programs that do not appear on the ETPL.

V. Program Changes:

A. Adding New Programs (Previously Approved Providers):

i. The ETP must submit the program using the online web application for addition to the ETPL.

ii. The application materials are received electronically by the LWDB 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.

iii. After verification of completeness, the application materials are forwarded to the LWDB for its vote on whether to add the program to the ETPL.

iv. After the LWDB has rendered a vote about the application material, its decision is communicated in writing to the State.

v. All approvals from the LWDB are added to the ETPL by the State within three (3) business days.

B. Adding New Registered Apprenticeship Programs:

Registered Apprenticeship sponsors that want to add new programs to the ETPL must indicate their interest in being included on the list and must use the online web application to submit their programs.

C. Making Changes to Program Information:

i. Revision(s) to already approved and existing program curriculums must first be approved by the appropriate State authorizing agency (Tennessee Higher Education Commission, Tennessee Board of Regents, etc.).

ii. The Eligible Training Provider must submit the proper forms using the online web application to make changes on the ETPL.

iii. Changes submitted by the ETP are subject to review by the Operator and the State.
    a. Changes in program cost or length that are beyond twenty-five percent (25%) must be resubmitted to the LWDB for approval as a new program.

iv. It is the responsibility of the ETP to ensure that information displayed on the ETPL is accurate.
    a. ETPs with inaccurate information on the ETPL as discovered in conjunction with a Data Validation review or a Data Accuracy Report are subject to removal from the ETPL for a set suspension period or until all information is corrected (whichever occurs later).

D. Removing Programs from the ETPL:

i. Any time after the initial program approval by the LWDB, the ETP — including Registered Apprenticeship programs — can request to have a program removed from the ETPL.

ii. If a program is removed from the ETPL, with the exception of Registered Apprenticeship programs, the ETP is still required to submit quarterly performance reports until the last WIOA training participant completes or withdraws from the program.

iii. Failure to submit the remaining quarterly performance reports will subject the ETP to the penalties detailed in Section Nine (9) of this policy.

iv. If at any point after initial approval training is temporarily not offered or is permanently deleted from the ETP's selection of the programs, it must be removed from the ETPL within thirty (30) days of the institutional decision.

VI. Performance Data (Registered Apprenticeship Programs are Excluded):

A. Provider Quarterly Report Requirements:

i. ETPs must provide the information necessary to determine program performance and to meet other requirements of the WIOA. The ETP must agree to make available verifiable data to validate any information submitted (WIOA Section 122[d][1]).

ii. ETPs on the ETPL are required to submit quarterly performance reports to the State. The report must contain individual-level data for all participants in programs offered by the ETP that have serviced at least one (1) student with the assistance of WIOA funding.

iii. The reports are due to the State on the specified due dates.
    a. Quarterly report due dates: January 15th, April 15th, July 15th and October 15th of every year.
    b. In the event that the due date falls on a State holiday or a weekend reports are due by the conclusion of the next business day.

VII. WIOA Eligible Training State Performance Measures:

The WIOA Participant Program Completion Rate measure outlined in Table 1 below will be available beginning of 2018. The performance measures will be reviewed annually by the Governor and the State Workforce Development Board.

Table 1: WIOA Eligible Training Provider State Performance Measures

Performance Measure	Implementation Year	Description
All Students Credential Attainment Rate	CY 2018	Total number of students who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or 1 year after exit divided by the total number of students exiting the program (both completers and non-completers) within the 12 month reporting period
All Student* Employment Rate During 2nd Quarter After Exit	CY 2018	Total number of students exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of students exiting the program.
All Student* Employment during 4th Quarter After Exit	CY 2018	Total number of students exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of students exiting the program.

Performance Measure	Implementation Year	Description
All Student* Median Earnings in Employment during 2nd Quarter After Exit	CY 2018	Median earnings expressed as an hourly rate for all students exiting the applicable program and working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date).
WIOA Participant Program Completion Rate	CY 2017	Total number of WIOA participants completing the applicable program divided by the total number of WIOA participants exiting the program (both completers and non-completers) within the 12 month reporting period.
WIOA Participant Credential Attainment Rate	CY 2018	Total number of WIOA participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or 1 year after exit divided by the total number of WIOA participants exiting the program (both completers and non-completers) within the 12 month reporting period.

Performance Measure	Implementation Year	Description
WIOA Participant Employment Rate During 2nd Quarter After Exit	CY 2018	Total number of WIOA participants exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of WIOA participants exiting the program.
WIOA Participant Employment Rate During 4thQuarter After Exit	CY 2018	Total number of WIOA participants exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of WIOA participants exiting the program.

Performance Measure	Implementation Year	Description
WIOA Participant Median Earnings in Employment During the 2nd Quarter After Exit	CY 2018	Median earnings expressed as an hourly rate for WIOA participants exiting the applicable program **and** working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or the completion date).

* Applies to All Students within a WIOA-eligible program.

VIII. Performance Measure Calculation Methodology and Process:

A. Performance Measure Calculation Methodology:

The following performance measures will be calculated separately for two distinct populations of students: Credential Attainment Rate, Employment Rate During 2nd Quarter After Exit, Employment Rate During 4th Quarter After Exit, and Median Earnings 2nd Quarter After Exit—

i. The *WIOA Participant* population comprises only students who are participants in WIOA.

ii. The *All Student* population includes every student enrolled in a WIOA-approved training program.

The Program Completion Rate measure will be calculated for the *WIOA Participant* population only.

B. Program Completion Rate:

The program completion rate for WIOA Participant populations reflects the following fraction: Numerator = Total number completing program during the twelve (12) month reporting period.

$$\frac{\text{Total \# WIOA Participants Completing Program in 12-Month Reporting Period}}{\text{Total \# WIOA Participants Exiting Program in 12-Month Reporting Period (Completers and Non-Completers)}}$$

The denominator (total number WIOA Participants exiting the program) is defined as the total number of new program enrollments and number of active (continuing) students during the twelve (12) month reporting period minus the total number still enrolled in the program at the conclusion of the reporting period.

Total # Exiting Program in 12-Month Reporting Period	=	**Total # Program Enrollments in 12-Month Reporting Period**	—	**Total # Still Enrolled at End of 12-Month Reporting Period**

C. Credential Attainment Rate:

The credential attainment rate reflects the following fraction: Numerator = Total number who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or one (1) year after exit; Denominator = Total number exiting the program (both completers and non-completers) during the twelve (12) month reporting period.

$$\frac{\text{Total \# Obtaining Credential, Diploma, or Equivalent During Participation or 12-Months After Exit}}{\text{Total \# Exiting Program in 12-Month Reporting Period}}$$

D. Employment Rate During 2nd Quarter After Exit:

The employment rate is represented by the following fraction: Numerator = Total number exiting the program (both completers and non-completers) during the twelve (12) month reporting period with wages reported in the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date); Denominator = Total number exiting the program (both completers and non-completers) during the twelve (12) month reporting period.

$$\frac{\text{Total \# Exiting Program in 12-Month Reporting Period } \textbf{with} \text{ Wages in 2nd Quarter After Exit}}{\text{Total \# Exiting Program in 12-Month Reporting Period}}$$

Reported employment is found through unemployment insurance records in TDLWD and, as available, through other states or through Federal payroll records.

** All student measures will be calculated using only All Student numerator and denominator; WIOA Participant measures will be calculated using only WIOA participant numerator and denominator.*

E. Employment Rate During 4th Quarter After Exit:

The employment rate is represented by the following fraction: Numerator = Total number exiting the program (both completers and non-completers) during the twelve (12) month reporting period with wages reported in the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date); Denominator = Total number exiting the program (both completers and non-completers) during the twelve (12) month reporting period.

$$\frac{\text{Total \# Exiting Program in 12-Month Reporting Period } \textbf{with} \text{ Wages in 4th Quarter After Exit}}{\text{Total \# Exiting Program in 12-Month Reporting Period}}$$

Reported employment is found through unemployment insurance records in Tennessee Department of Labor and Workforce Development (TDLWD) and, as available, through other states or through Federal payroll records.

** All student measures will be calculated using only All Student numerator and denominator; WIOA Participant measures will be calculated using only WIOA participant numerator and denominator.*

F. Median Earnings During 2nd Quarter After Exit:

This measure calculates the **median** quarterly earnings in unsubsidized employment of individuals exiting the program (both completers and non-completers) during the reporting period **with** earnings in the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date).

The calculated median quarterly earnings is then divided by five hundred twenty (520) hours (the standard amount of hours considered full time employment in a calendar year) to arrive at an hourly rate for comparison to the Federal minimum wage.

Reported wages are found through unemployment insurance records in TDLWD and, as available, through other states or through Federal payroll records.

**All students will be calculated using only All Student numerator and denominator;*

WIOA Participant measures will be calculated using only WIOA participant numerator and denominator.

IX. Subsequent Eligibility Determination:

A. Subsequent Eligibility:

i. All programs approved for initial eligibility by one of the LWDBs must be reviewed annually by the LWDB. Subsequent eligibility requirements under WIOA apply to ETPs transitioning to WIOA Title IB who were previously eligible under WIA Title I and new ETPs that were determined to be initially eligible under WIOA to determine their continued eligibility to remain on the ETPL. This determination is called "Subsequent Eligibility) (WIOA Section 122[c][2] and 20 CFR 663.530) until changed to WIOA.

ii. Subsequent eligibility determinations are made on an annual basis using the performance data supplied quarterly by the ETP.

iii. Only those programs with a minimum of ten (10) WIOA students enrolled during the reporting year are considered for subsequent eligibility decisions.

iv. Any program that fails to meet the minimum performance standards, as established by the State, will be removed from the ETPL for a minimum period of one (1) program year.

v. The State compiles and disseminates an annual Subsequent Eligibility Report. The report is posted for public viewing online through the ETPL website.

vi. ETPs receive the opportunity to review and correct their performance information prior to Subsequent Eligibility decisions and public dissemination of the report.

vii. The State adheres to the following guidelines when displaying performance data for each provider:

a. All programs with a minimum of one (1) WIOA participant during the reporting year will appear in the report.

b. For confidentiality purposes, only those programs with a minimum of ten (10) WIOA students enrolled during the reporting year have all their performance data displayed for public viewing.

B. Failure to Meet Subsequent Eligibility:

i. The State must remove a program if, as a result of the subsequent eligibility determination process, the program is found not to have met the minimum levels of performance set be the State (WIOA Section 122[b][1][A]).

a. If the State removes a program from the ETPL for subsequent eligibility reasons, the State must, within ten (10) days of its

decision, inform the LWDB in writing and include the reason(s) for the removal.

ii. Prior to removal by the State, the LWDB must have the opportunity to submit supplemental performance data in efforts to keep the program on the ETPL. The types of supplemental data submitted may include information explained within WIOA Section 122(b)(2)-(b)(4)(D) and 20 CFR 680.490.

   a. The specific economic, geographic, and demographic factors in the local areas in which training providers seeking eligibility are located; and
   b. The characteristics of those served by the eligible training providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable.

iii. Any program removed from the ETPL for subsequent eligibility reasons must remain off of the ETPL for a minimum of one (1) complete program year.

iv. In order for the program to be added back to the ETPL, the ETP must re-apply through the LWDB. Performance data is required as part of the application process for the time period when the program was removed from the ETPL.

v. While a program is removed from the ETPL for subsequent eligibility reasons, the ETP cannot receive new training participants utilizing ITA funds for the removed programs.

X. Accuracy of Information:

A. Data Validation:

i. To ensure that accuracy and validity of the information supplied by Eligible Training Providers, the State conducts data validation visits at least once every year for all ETPs or as warranted eligible by WIOA enrollment numbers.

   a. During data validation visits, the State audits ETP files to verify previously submitted student, program, and provider information.

ii. ETPs must meet the enrollment threshold before a data validation visit can occur. The enrollment threshold is as follows:

   a. An ETP must have a minimum of fifteen (15) WIOA participants enrolled in its combined program offerings over a two (2) year period.

iii. ETPs will receive at least a twenty-one (21) calendar-day advanced notice of the State's upcoming audit.

iv. The ETPs must make available all files pertaining to WIOA participants covering the three (3) most recent program years.

v. Each student file must contain documents to validate the following elements:

(a) Proof of Enrollment	(b) Program of Enrollment
(c) Program Completion	(d) Enrollment Date
(e) Completion Date	(f) Withdrawal Date (if applicable)
(g) Credential Received	(h) WIOA Participant Status

vi. ETPs must also make available internal documents or sources to validate the following program elements:

(a) Program Name	(b) Program Length
(c) Program Cost	(d) Program Credential Offered

vii. ETPs may be removed from the ETPL for a period of ten to ninety (10-90) days if the score they receive for data validation is not satisfactory.

viii. If the State discovers evidence of intentionally misleading performance information, the ETP will be removed from the ETPL for a period of no less than two (2) years.

ix. The State will notify the certifying LWDB of the audit findings within ten (10) days of auditing of an ETP within their respective LWDA.

XI. ETPL Penalties:

A. Removal of a Provider or Program on the ETPL:

i. The State may remove a program if the ETP fails to submit all the data required for subsequent eligibility determination within the required time frames (WIOA Section 122[b][2]).

ii. The State may remove a program if an ETP fails to notify the State of any program changes including but not limited to costs, location of training, or change in State authorization status.

iii. The State may remove a program at any point at which it is determined that the program does not meet the minimum criteria for initial listing specified in this procedure. For example, a program can be removed if its eligibility depended on accreditation, and the accreditation was lost (WIOA Section 122[b][1][E]).

iv. The State may remove a program if it is determined that the applicant intentionally supplied inaccurate information.

v. The State may remove a program if the ETP is found to have substantially violated any WIOA requirements.

vi. The State may remove a program or ETP if it loses its accreditation after an appeal process.

vii. The State may remove a program or ETP, at the request of the LWDB, for any of the following reasons:
    a. Unethical/illegal billing practices
    b. Violations of Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; or the Act Discrimination Act 1975.
    c. Lack of qualified training personnel or building infrastructure.

viii. The State must conduct an investigation prior to removing an ETP at the request of the LWDB.

ix. The State may remove a program or ETP at the request of the institution.
    a. If an eligible training provider requests removal from the ETPL for a particular program or for the institution as a whole, it can be reactivated on the ETPL within one (1) year assuming that it was in good standing when it was removed and no changes occurred in their program demographics during the removal period.
    b. If an ETP whose self-requested removal is off the ETPL for a period of time greater than one (1) year, that training provider must re-apply for placement on the ETPL to the LWDB.

B. Suspension from the ETPL:

i. ETP 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 the deadlines
    b. Failure to keep current the eligible training provider and program demographic information displayed on the ETPL
    c. Failure to respond to a State request for a data validation visit
    d. Poor performance during a data validation visit
    e. Failure to submit corrections needed following quarterly report validation by the specified deadline
    f. Failure to comply with State request for information

ii. During any State or Federal criminal investigation launched against the institution or key personnel at the institution, the ETP 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.

C. Financial Reimbursement:

An ETP whose eligibility is terminated as a result of the reasons specified above in Section IX-Subsequent Eligibility Determination (A)(ii)-(vi) of the current policy for a program shall be liable for repayment of all funds received during any period of noncompliance (WIOA Section 122[f][1][C]).

Contact:

For any questions related to this policy, please contact Nicholas Bishop - Director of

Compliance and Policy for Workforce Services at Nicholas.Bishop@tn.gov

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Sterling van der Spuy, Administrator of Workforce Services