



**State of Tennessee
State Workforce Development Board**

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State Workforce Services Policy Eligible Training Provider

Effective Date: August 25, 2023

Duration: Automatic Annual Renewal

Purpose:

This policy provides information and direction required under the Workforce Innovation and Opportunity Act of 2014 (WIOA) for training providers on Tennessee's statewide Eligible Training Provider List (ETPL).

Scope:

- American Job Center Partners
- Fiscal Agents
- Local Workforce Development Boards
- One-Stop Operators
- State Workforce Development Board
- Potential and Approved Eligible Training Providers

Background:

Only approved programs listed on the State's ETPL are authorized for referral and enrollment of participants who receiving WIOA funding. Eligible applicants can use the ETPL to make an informed choice regarding training providers.

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1. Training Providers

Potential Eligible Training Providers must be authorized to offer training services in Tennessee.

Entities eligible to apply to become Eligible Training Providers (ETPs)¹ are:

- A. Institutions of higher education providing a program of study that leads to a recognized postsecondary credential;
- B. Apprenticeship programs, including Registered Apprenticeship Programs (RAPs) registered under the National Apprenticeship Act;
- C. Other public or private providers that provide training services, which may include Community-Based Organizations (CBOs) and joint labor-management organizations;
- D. Eligible providers of adult education and literacy activities under WIOA Title II if such activities are provided in combination with training services described in 20 CFR § 680.350²; or,
- E. Other groups as determined by the Governor.

2. Programs of Training Services/Programs of Study

Programs may be delivered in person, online, or via a blended approach and must lead to at least one ETPL Qualifying Credential, defined as³:

- A. An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State of Tennessee or federal government;
- B. A postsecondary credential, including an associate or baccalaureate degree;
- C. A secondary school diploma or its equivalent;
- D. Employment; or
- E. Measurable skills gains toward a recognized postsecondary or secondary school diploma or its equivalent credential.

¹ Employment and Training Administration, US Department of Labor, *Training and Employment Guidance Letter No. 8-19*, Attachment I, I-3; Jan. 2, 2020. (Subsequently referenced as TEGL 8-19); 20 CFR § 680.410

² 20 CFR § 680.350 ; WIOA § 134 (c)(3)(D)(x). g

³ TEGL 8-19, p. I-3.

3. Initial Eligibility

Potential ETPs may seek initial eligibility for one (1) or more programs of study. Programs approved for initial eligibility will remain on the ETPL for twelve (12) months from the date the program was approved.⁴ RAPs are exempt from initial eligibility procedures. (RAPs that elect to participate must be included on the ETPL, subject to the procedure in Section 5.)⁵

A. Requirements for Consideration of Initial Eligibility:

1. Applications, accessed through Tennessee's Department of Labor and Workforce Development's (TDLWD) case management system, must describe each program of training services offered and include accurate and timely performance data and cost information for each program under consideration.⁶
2. Performance information must include one of the following: Unsubsidized Employment 2nd Quarter or 4th Quarter after exit, median earnings, credential attainment⁷
3. Information concerning whether the provider is in partnership with a business.⁸
4. Evidence that program successfully leads to an ETPL Qualifying Credential.
5. Information addressing the alignment of training with in-demand industry sectors and occupations, to the extent possible.⁹

B. Local Workforce Development Board (LWDB) – Responsibilities During Initial Eligibility:

1. Notify providers of the opportunity to apply for the ETPL.
2. Verify that potential ETPs are compliant with State laws by possessing a current license, certification, registration, approval or exemption from the appropriate State or federal licensing agency.
3. Confirm initial eligibility applications are complete and accurate.
4. Evaluate the experience and reputation of the potential ETP/programs of study.
5. Make a LWDB staff determination of completeness regarding ETP's application within thirty (30) business days of receipt, and once complete, place on the agenda for the next regularly scheduled LWDB meeting. Notify provider and State ETPL office of LWDB decision to approve, postpone, or deny within ten (10) business days of decision.

4. Continued Eligibility

During the final three months of a program's initial eligibility, the LWDB must perform a subsequent review to determine whether the program will be granted Continued Eligibility. If granted, ETPs will remain on the list until the next continued eligibility determination. Programs approved for continued eligibility will remain on the ETPL for twenty-four (24) months from the date the program was approved after subsequent review.

A. Information Requirements for Consideration of Continued Eligibility:

1. During the final three months of an ETP's initial eligibility the ETP must review their applications to ensure the information included therein is accurate.

⁴ TEGL 08-19, Attachment II, p. II-2; WIOA § 122 (b)(4)(B).

⁵ TEGL 08-19, Change 1, p. 2 & 20 CFR § 680.450 (b)

⁶ TEGL 08-19, Attachment III, p. III-1 & 20 CFR § 680.450 (e)(1).

⁷ TEGL 08-19, Attachment III, p. III-1 & 20 CFR § 680.450 (e)(2).

⁸ TEGL 08-19, Attachment III, p. III-1 & 20 CFR § 680.450 (e)(3).

⁹ TEGL 08-19, Attachment III, p. III-1; 20 CFR § 680.450 (e)(5).

2. ETP's must submit accurate performance data and program cost information as directed by the LWDB.
- B. LWDB Responsibilities During Continued Eligibility
1. Assess program-specific information provided by the ETP to determine whether to grant continued eligibility or remove program from the ETPL:
 - a. Whether the providers timely and accurately submitted all of the information required for completion of eligible training provider performance reports required under WIOA § 116(d)(4) and all of the information required for initial and continued eligibility¹⁰
 - b. ETP performance on WIOA performance indicators: Unsubsidized Employment 2nd Quarter or 4th Quarter after exit, median earnings, credential attainment
 - c. Access to training services throughout the state, including rural areas and through technology use
 - d. Information reported to state agencies on federal and state training programs other than programs within WIOA Title I-B
 - e. The degree to which training programs relate to in-demand industry sectors and occupations in the state
 - f. State licensure requirements of training providers, and licensing status of providers of training services, if applicable
 - g. ETP's ability to offer quality training services leading to an ETPL Qualifying Credential.
 - h. ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities
 - i. ETP's ability to provide training services to individuals who are employed and individuals with barriers to employment
 - j. State performance standard measures for programs with a minimum of ten (10) WIOA students at the end of each program year (July 1 – June 30):
 1. WIOA student completion rate for each program must be \geq to 40%
 2. All student completion rate for each program must be \geq to 60%
 3. WIOA student placement rate for each program must be \geq to 40%
 4. All student placement rate for each program must be \geq to 60%¹¹
 2. Notify provider and State ETPL office of LWDB decision to approve, postpone, or deny within ten (10) business days of decision.

5. Registered Apprenticeship Programs (RAPs)

RAPs registered under the National Apprenticeship Act are not subject to the same application and performance information requirements or LWDB approval process as other training providers. To be included on the ETPL RAPs must express interest by opting-in.¹²

- A. RAPs must provide the following basic information:
1. Occupations included within the RAP
 2. Name and address of the RAP sponsor

¹⁰ WIOA §116(d)(4).20 CFR § 680.460 (f)(10).

¹¹ State of TN established additional performance measures.

¹² TEGL 8-19, p. I-4.

3. Name and address(es) of the related technical instruction provider(s) and the locations(s) of instruction if different from the program sponsor's address
 4. Cost of the instruction, if the provider of the Related Technical Instruction is different from the program sponsor
 5. Method and length of instruction
 6. Number of active apprentices¹³
- B. RAPs are exempt from performance reporting requirements in WIOA § 116(d)(4) and 122 but may voluntarily report performance outcomes.¹⁴
- C. RAPs are maintained on the ETPL until:
1. They are deregistered
 2. The RAP notifies the State that it no longer wants to be included
 3. The RAP is determined to have intentionally supplied inaccurate information or to have substantially violated any provision of title I WIOA or the WIOA regulations, including 29 CFR Part 38.¹⁵
- D. LWDB Responsibilities for RAPs
1. LWDBs will act on a RAP's application within thirty (30) business days of receipt
 2. LWDBs will contact State ETPL office to verify the registration status of all RAPs that express interest in being included on the ETPL and re-verify no less than every two (2) years.¹⁶

6. Denial/Revocation of a Provider from the ETPL

A training provider must meet performance and provide accurate information to the LWDB & the TDLWD. Eligibility may be denied/revoked for the following reasons:

- A. Denial based on Eligibility Requirements
1. Provider does not have the appropriate State and/or Federal approval to operate
 2. The application is incomplete
 3. The program under consideration does not meet the definition of WIOA training services
 4. Program does not meet the established eligibility criteria or the established minimum performance levels
 5. Provider that intentionally supply inaccurate performance information
- B. Denial based on Training Provider Responsibilities
1. Providers that do not submit annual performance data by the designated due date (exceptional circumstances beyond the provider's control, such as natural disasters, will be taken into account)¹⁷
 2. Providers that intentionally supply inaccurate performance information
 3. Providers that violate any provision of WIOA or its regulations, including 29 CFR part 38

¹³ TEGL 8-19, p. I-4.

¹⁴ TEGL 8-19, p. I-4.

¹⁵ 20 CFR § 680.470 (b)(1-3); 29 CFR part 38 references nondiscrimination and equal opportunity provisions of WIOA

¹⁶ TEGL 8-19, p. II-2.

¹⁷ 20 CFR § 680.460(1)

4. Providers that fail to demonstrate the business capacity or integrity to successfully deliver training
- C. LWDB Denial/Revocation Responsibilities
 1. Though the recommendation to deny or revoke a provider/program may originate from either the LWDB or the TDLWD, the LWDB will be responsible for denying/revoking an ETP's eligibility
 2. Revocation is for a period not less than two years for providers that intentionally supply inaccurate information or substantially violate any provision of WIOA or its regulations, including 29 CFR part 38. The training provider is liable to repay all WIOA Title I training funds received during the period of noncompliance
 3. Providers that wish to appeal a denial or revocation of eligibility may appeal to the LWDB. After a decision has been rendered by the LWDB a provider may appeal to the State ETPL office.¹⁸

7. Appeals

If a program is denied eligibility, the training provider may take the following steps:

- A. Training providers have the right to appeal denial of eligibility status and may begin that process with the LWDB.
- B. If the LWDB does not reverse their original denial, the training provider may appeal to the State ETPL office.

8. Reciprocal Agreements

A LWDB can send a participant to training located in a different state if the training provider is on the ETPL in that state and the state has a reciprocal agreement with Tennessee.

- A. The State ETPL office will be responsible for entering into reciprocal agreements.
- B. All reciprocal agreements signed prior to June 30, 2023 will no longer be valid after that date.

9. Automatic Renewal

All policies approved by the State Workforce Development Board will be automatically renewed, on an annual basis, July 1 of every year. A list of policies that will be automatically renewed are submitted to the State Workforce Development Board during the meeting prior to July 1 every year. If a policy requires any type of substantial change, the policy will be resubmitted to the State Workforce Development Board for a new approval and will not be subject to the annual renewal process.

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.


Tim Berry, State Workforce Development Board Chair
8-25-23

¹⁸ 20 CFR § 680.480