



Northern Middle Tennessee Workforce Board Inc.

Effective Date: 10.01.2018

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Duration: Indefinite

Eligible Training Provider Policy

Purpose

To provide information and direction required under the Workforce Innovation and Opportunity Act (WIOA) for training providers on Tennessee's statewide Eligible Training Provider List (ETPL).

Background

The ETPL supplies useful information on training providers, the services they provide, and the quality of their programs. To maximize customer choice and assure that all population groups are served, a comprehensive process must ensure that a significant number of qualified Eligible Training Providers (ETPs) are available to customers. Only approved programs listed on the State's ETPL are authorized for referral and enrollment of a WIOA participant. Eligible applicants can use the ETPL to make an informed choice regarding training providers. In this way, the ETPL provides consumers with an option, which also supports increased performance accountability.

Policy & Instructions

I. Types of Entities Eligible To Apply to be Eligible 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) are:

- A postsecondary educational institution that provides a program that leads to an associate degree, baccalaureate degree, diploma or certificate;
- Apprenticeship programs, including Registered Apprenticeship Programs (RAPs) registered under the National Apprenticeship Act.
- Other public or private providers that provide training services, which may include Community Based Organizations (CBOs) and joint labor-management organizations
- 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 680.350
- Other groups as determined by the Governor.

In-state and out-of-state post-secondary institutions must be authorized by a state governing body – such as the Tennessee Higher Education Commission (THEC) or the Tennessee Board of Regents (TBR), – to operate in the State of Tennessee. This does not apply to Registered Apprenticeships.

II. Eligible Training Providers and 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 as:

- 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;
- A postsecondary credential, including an associate or baccalaureate degree;
- A secondary school diploma or its equivalent;

- Employment; or
- Measurable skills gains toward a recognized postsecondary or secondary school diploma or its equivalent credential.

III. 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. RAPs are exempt from initial eligibility procedures. (RAPs that elect to participate must be included on the ETPL, subject to the procedures in Section 5.)

A. Requirement 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.
2. Performance information must include one of the following: Unsubsidized employment 2nd quarter or 4th quarter after exit, median earnings, credential attainment.
3. Information concerning whether the provider is in partnership with a business.
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.

B. Northern Middle Workforce Board (NMWB) – Responsibilities During Initial Eligibility:

1. Notify providers of the opportunity to apply for the ETPL.
2. Verify the 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 NMWB staff determination of completeness regarding ETPs application within thirty (30) business days of receipt, and once complete, place on the agenda for the next regularly scheduled NMWB meeting. Notify provider and State ETPL office of NMWB decision to approve, postpone, or deny within ten (10) business days of decision.

IV. Continued Eligibility

During the final three months of a program's initial eligibility, the NMWB 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 ETPs initial eligibility the ETP must review their applications to ensure the information included therein is accurate.
2. ETPs must submit accurate performance data and program cost information as directed by NMWB.

B. NMWB Responsibilities During Continued Eligibility

1. Assess program specific information provided by the ETP to determine whether to continue eligibility or remove program from ETPL.
 - a. Whether the providers timely and accurately submitted all the information required for completion of eligible training provider performance reports required under WIOA 116(d)(4) and all the information required for initial and continued eligibility.
 - 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 individual 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 greater than or equal to 40%
 2. All student completion rates for each program must be greater than or equal to 60%
 3. WIOA student placement rate for each program must be greater than or equal to 40%
 4. All student placement rates for each program must be greater than or equal to 60%

As allowed by law, the Northern Middle Workforce Board (NMWB) will require the following performance standard measures to evaluate the subsequent eligibility determination for programs serving WIOA students:

- **WIOA student completion rate (completion defined as resulting in a credential) for each program must be greater than or equal to 60%**
 - **WIOA student placement rate for each program must be greater than or equal to 60%**
 - **Note: At the end of the first year if program meets both measures it will be approved for 2 years. If program meets one measure it will be approved for one year. The following year it must meet both measures or it will be removed from the ETPL.**
2. Notify provider and State ETPL office of NMWB decision to approve, postpone, or deny within ten (10) business days of decision.

V. Registered Apprenticeship Programs (RAPs)

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

- A. RAPs must provide the following basic information>
 1. Occupations included within the RAP
 2. Name and address of the RAP sponsor
 3. Name and address(es) of the related technical instruction provider(s) and the location(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 apprentices
- B. RAPs are exempt from performance reporting requirement in WIOA 116(d)(4) and 122 but may voluntarily report performance outcomes
- 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
- D. NMWB Responsibilities for RAPs
1. NMWB will act on RAP's application within thirty (30) business days of receipt
 2. NMWB 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

VI. Denial/Revocation of a Provider from the ETPL

A training provider must meet performance and provide accurate information to the NMWB and 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 intentionally supplied 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)
2. Providers that intentionally supply inaccurate performance information
3. Providers that violate any provision of WIOA or its regulations, including 29 CFR part 38
4. Providers that fail to demonstrate the business capacity or integrity to successfully deliver training

C. NMWB Denial/Revocation Responsibilities

1. Though the recommendation to deny or revoke a provider/program may originate from either the NMWB or the TDLWD, the NMWB will be responsible for denying/revoking 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 funds received during the period of noncompliance
3. Providers that wish to appeal a denial or revocation of eligibility may appeal to the NMWB. After a decision has been rendered by the NMWB a provider may appeal to the State ETPL office.

VII. 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 NMWB.

- B. If the NMWB does not reverse their original denial, the training provider may appeal to the State ETPL office.

VIII. Reciprocal Agreements

NMWB 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.

References


20 CFR 680.410; 20 CFR 680.350; WIOA Section 134(c)(3)(D)(x); 20 CFR 680.450(b); 20 CFR 680.450(e)(1); 20 CFR 680.450(e)(2); 20 CFR 680.450(e)(3); 20 CFR 450(e)(5); 20 CFR 680.460(f)(10); 20 CFR 680.470(b)(1-3); 20 CFR 460(1); 20 CFR 680.480; TEGL 8-19; WIOA Section 116(d)(4); WIOA Section 122(b)(4)(B).

Authorized by:



Marla Rye, Executive Director Date

Approved by:



John Zobl, Chairman 11/8/23
Date