

Workforce Services Policy – Eligible Training Provider List (ETPL)

Executive Summary

1. What is the general purpose of this policy?

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.

2. What are the notable guidelines conveyed within this policy?

This policy:

- Defines the criteria of eligible training providers (ETPs)
- Defines the programs that can be offered by ETPs
- Defines the entities that accredit post-secondary institutions that provide training services
- Defines Local Board oversight responsibilities
- Defines performance requirements for ETPs and ETPL programs

3. Have there been any changes since the last policy? If so, describe the modification(s).

- The policy has been re-arranged to order sections according by:
 - Establishment of provider criteria,
 - Establishment of program criteria,
 - Local workforce system entity oversight responsibilities,
 - Performance requirements, and
 - Loss of eligibility as a training provider

4. What must the Local Workforce Development Board do to meet the requirements of this policy?

- Monitor a minimum of fifteen percent (15%) of the training providers' program each year between July 1 and June 30.
- Randomly select WIOA participant files and validate that the data has been uploaded into the system correctly, ensuring that the yearly Federal ETP report is accurate.
- Establish monitoring procedures and will provide a copy of this process to the ETPL Coordinator.

5. How does this policy affect the workforce system?

The ETPL supplies useful information on training providers, the services they provide, and the quality of their programs.



STATE OF TENNESSEE
STATE WORKFORCE DEVELOPMENT BOARD

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Workforce Services Policy – Eligible Training Provider List¹

Effective Date: June 5, 2020

Duration: Automatic Annual Renewal

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). 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); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TDOE); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program(AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

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.

¹ TEGL 41-14

I. Eligible Training Providers²:

Eligible Training Providers are entities that are qualified to receive WIOA Title I–B funds, according to criteria and procedures established by the Governor³. To be eligible to receive monies, ETPs must be one (1) of the following:

- A postsecondary educational institution that provides a program that leads to an associate degree, baccalaureate degree, diploma or certificate;
- An entity that carries out programs under the National Apprenticeship Act;
- A training program that is directly associated with the Tennessee Department of Human Services Division of Rehabilitation Services;
- A training provider that has demonstrated effectiveness in training populations that face established barriers to employment⁴; or
- Other groups as determined by the Governor⁵.

II. Training Service Program:

Training services program may be delivered in person, online, hybrid, or blended format and must lead to at least one (1) of the following:

- An industry-recognized certificate or certification, a certificate of completion of a Registered Apprenticeship (RA), a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
- A secondary school diploma or its equivalent;
- Employment; or
- Measurable skill gains toward a credential or secondary school diploma.

III. Individual Training Account:

The Career Service Provider (CSP) must create an Individual Training Account (ITA) to secure funds for participants who select any of the approved programs on the ETPL. ITAs are used to train participants in-demand occupations across the State as well as those designated the specific LWDB. While participants can select training from the ETPL, TDLWD, and LWDB policies determine the type and funding amounts for each program. The LWDB may choose not to fund specific training programs based on, but not limited to, the following reasons:

- Lack of occupational demand; or
- High tuition costs compare to similar programs; or
- Lack of a living wage upon program completion.

IV. Licensing:

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), the Tennessee Board of Regents (TBRs), the Tennessee Independent Colleges and Universities Association (TICUA), and the Southern Association of Colleges and Schools (SACs)—to operate in the State of Tennessee. This does not apply to RAs.

V. Initial Eligibility

Training providers who wish to be placed on the statewide ETPL must be initiated by completing the online New Provider Application. The Initial eligibility procedures apply to all training providers except for RAs. ETPs must provide the following for initial eligibility:

² 20 CFR 680.410

³ WIOA Section 122(b)(1)

⁴ WIOA Section 3(24)

⁵ WIOA Section 134(c)(3)(E)

- Description of each program of training services to be offered;
- Information concerning whether the provider is in a partnership with a business
- Evidence that programs result in the awarding of an industry-recognized credential, national or State certificate, or degree, including all appropriate industry competencies, licensing, and certification requirements:
- Cost information, including tuition and fees;
- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible;
- Access to training services throughout the State (including rural areas and through technology use).
- Information related to the indicators of performance⁶, which include for all students Workforce Innovation & Opportunity Act (WIOA) performance indicators: employment 2nd & 4th Quarter after exit, median earnings 2nd Quarter after exit, and credential attainment.

VI. Continued Eligibility:

Approved training providers receive initial eligibility for one fiscal year for a particular program. After the initial eligibility expires, training providers are subject to application procedures for continued program eligibility every two years. Tennessee currently is in the process of renewing its waiver from USDOL to report performance information on only individuals that are enrolled in WIOA Title I programs. However, if this waiver is not renewed in Program Year 2020, which begins July 1, 2020, all approved training providers on the ETPL will be required to provide performance data on all training participants as required WIOA section 116(d)(4). The reporting information should contain the nine elements on "All Individuals" in the ETA-9171 report. These elements are as follow:

- Total number of individuals served;
- Total number of individuals exited (includes students who completed, withdrew or transferred out of the program);
- Total number who completed the program;
- Total number of exiters employed in the 2nd quarter after exit;
- Total number of exiters employed in the 4th quarter after exit;
- Median earnings of exiters in the 2nd quarter after exit;
- Total number of exiters who attained a credential during participation or within one year after exit;
- Average earnings in the 2nd quarter after exit; and
- Average earnings in the 4th quarter after exit.

Besides the requirements above the State has established four (4) performance standard measures to evaluate the Subsequent Eligibility determination for programs with a minimum of ten (10) WIOA students at the end of each program year (July 1- June 30), and they are as follow:

- WIOA student completion rate for each Program must be greater than or equal to 40%.
- All student completion rates for each Program must be greater than or equal to 70%.
- WIOA student placement rate for each Program must be greater than or equal to 40%.
- All student placement rates for each Program must be greater than or equal to 70%.

VII. Registered Apprenticeships⁷:

⁶ TEGL 8-19

⁷ 20 CFR 680.470

All approved Registered Apprenticeships (RA) are automatically eligible to be included on the statewide ETPL. RAs are not subject to the same application, performance information requirements, or period of initial eligibility procedures since they have already gone through a detailed application and vetting process through the USDOL Office of Apprenticeship. The information required for an RA program to be added to the ETPL is:

- Occupation(s) included within the registered apprenticeship program;
- Name and address of the Registered Apprenticeship Program Sponsor;
- Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
- Method and length of instruction, and
- The number of active apprentices.

VIII. Training Provider Responsibilities:

Training providers must comply with the following:

- ETPs must answer all questions on the [application](#) located on TDLWD's website.
- Submit additional documents as needed to the LWDB and the TDLWD as required;
- Provide periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required and requested by the LWDA
- Collect information about all students attending a training program as required for reporting of performance measures;
- Submit the Annual Training Performance Report (Annual Report) to the TDLWD and LWDB
- Notify the LWDB of any changes or updates to a training program;
- Notify the LWDB of any other changes such as a change in the point of contact, a transition of the school's location, or impending sale or closure.

IX. Tennessee Department of Workforce Development Responsibilities:

The TDLWD is the designated state agency for WIOA administration and is responsible for :

- Ensuring that the information contained on the ETPL is accurate and current.
- Determining training providers' applications and programs approved by the LWDA's are reviewed, and those approved are placed on the ETPL promptly
- Establishing a process for adding programs to the ETPL and verifying their "registered" status
- Maintaining the list of eligible training providers and programs approved by LWDB
- Providing an updated list to all LWDBs and the public through the State's website⁸.
- Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible
- Submitting all reports to the appropriate Federal Agency as required.
- Distributing the ETPL, accompanied by credential, cost and performance information for each ETPL training program throughout Tennessee
- Allowing training providers to appeal a denial or termination of eligibility, including an opportunity for a hearing at the state level, after a training provider receives an unsatisfactory decision.

X. Local Workforce Development Board (LWDB) Responsibilities:

The LWDB is responsible for ensuring that all AJC staff members in the respective LWDA's have access to the ETPL and are knowledgeable about its use; the LWDB will also provide local access to the ETPL for customers within the AJCs. Additionally, LWDB must require training providers to supply information regarding their partnerships with businesses. The evidence may include whether the training program was

⁸ WIOA Section 122(d)(1)

designed as a result of the collaboration with the company and must also include assurance from employers that will hire the students upon successful completion of the training program. Additionally, The LWDB is responsible for:

- Reviewing training programs for initial eligibility;
- Ensuring that all participants are enrolled in approved training programs, as identified on the ETPL.
- Collecting performance and cost information and any other required information related to programs from training providers;
- Monitoring training providers for compliance and performance;
- Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meet minimum performance standards;
- Allowing training providers to appeal a denial or termination of eligibility of programs that includes an opportunity for a hearing at the local level, a timely decision and a right to appeal to TDLWD if the provider is unsatisfied with the LWDB decision.

XI. Performance Data Requirements for Annual Reporting (Excluding Registered Apprenticeships):

- ETPs must submit accurate and timely information⁹ for participants receiving training under WIOA Title I-B.
- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data available to validate the information submitted for reporting¹⁰.
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The reports are due to the TDLWD on July 15 of every year.

XII. Monitoring:

The TDLWD will monitor the LWDBs for ETPL compliance at a minimum of every two (2) years. The LWDBs must monitor a minimum of fifteen percent (15%) of the training providers' program each year between July 1 and June 30. The LWDB will randomly select WIOA participant files and validate that the data has been uploaded into the system correctly, ensuring that the yearly Federal ETP report is accurate. Additionally, the LWDBs must establish monitoring procedures and will provide a copy of this process to the ETPL Coordinator upon request

XIII. Reciprocal Agreement:

While the ETPL is the primary list of ETPs and programs to be used when referring an eligible WIOA Title I-B candidate to training, the LWDB can send a participant to training located in a different state if the training provider has a Reciprocal Agreement with Tennessee. These agreements allow Tennessee participants to use ETPs if that training provider appears on the other State's ETPL. Similarly, WIOA participants in the reciprocal states can utilize programs that are on Tennessee's ETPL.

XIV. Third-Party Training Services:

ETPL approved training providers who wish to partner with third-party training services must ensure the training service provider has a physical presence in the United States. The third-party provider must be authorized for postsecondary training by the appropriate state authorization agency and comply with all WIOA and ETPL procedures. Each program must be evaluated individually to determine if successful completion of the program results in a recognized credential. The ETPL training provider is responsible for collecting initial and continued applications for performance data requirements of the ETPL annual

⁹ TEGL 8-19

¹⁰ WIOA Section 116(d)(4)

reporting. Further, the certificate received by participants upon successful completion must be issued by the ETPL training provider. It must include the name of the training provider listed on the ETPL, not the name of the third party training provider.

XV. Loss of Eligibility¹¹:

To maintain eligibility as a training provider, an entity must provide accurate information and adhere to federal and State performance metrics as provided in additional guidance.

XVI. Failure to Meet Performance Requirements:

Failure to meet performance requirements can result in punitive action to include written warnings, suspension, or removal of a provider or program from the ETPL.

XVII. Appeals¹².

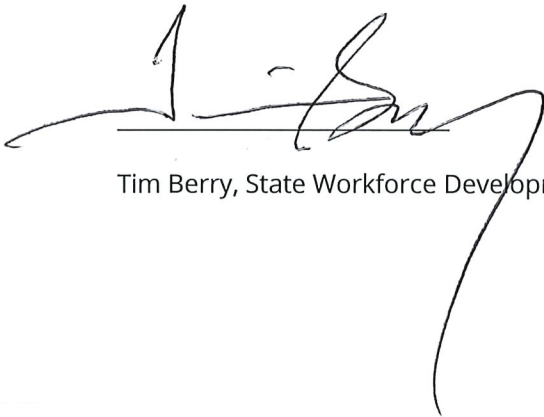
An ETP can appeal the punitive action of the LWDA by following the established process as annotated in the ETPL guidance letter.

References:

20 CFR 680.410; 20 CFR 680.470; 20 CFR 680.480(b); 20 CFR 683.630(b); TEGL 41-14; WIOA Section (3)(24); WIOA Section 116(d)(4); WIOA Section 122(b)(1); WIOA Section 122(d)(1); WIOA Section 134(c)(3)(E); TEGL 03-18; *TEGL 8-19*

Contact:

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

A handwritten signature in black ink, appearing to read 'Tim Berry', is written over a horizontal line. The signature is stylized and extends significantly below the line.

Tim Berry, State Workforce Development Board Chair

¹¹ 20 CFR 680.480

¹² 20 CFR 683.630(b)